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The works of Sir William Jones in six volumes

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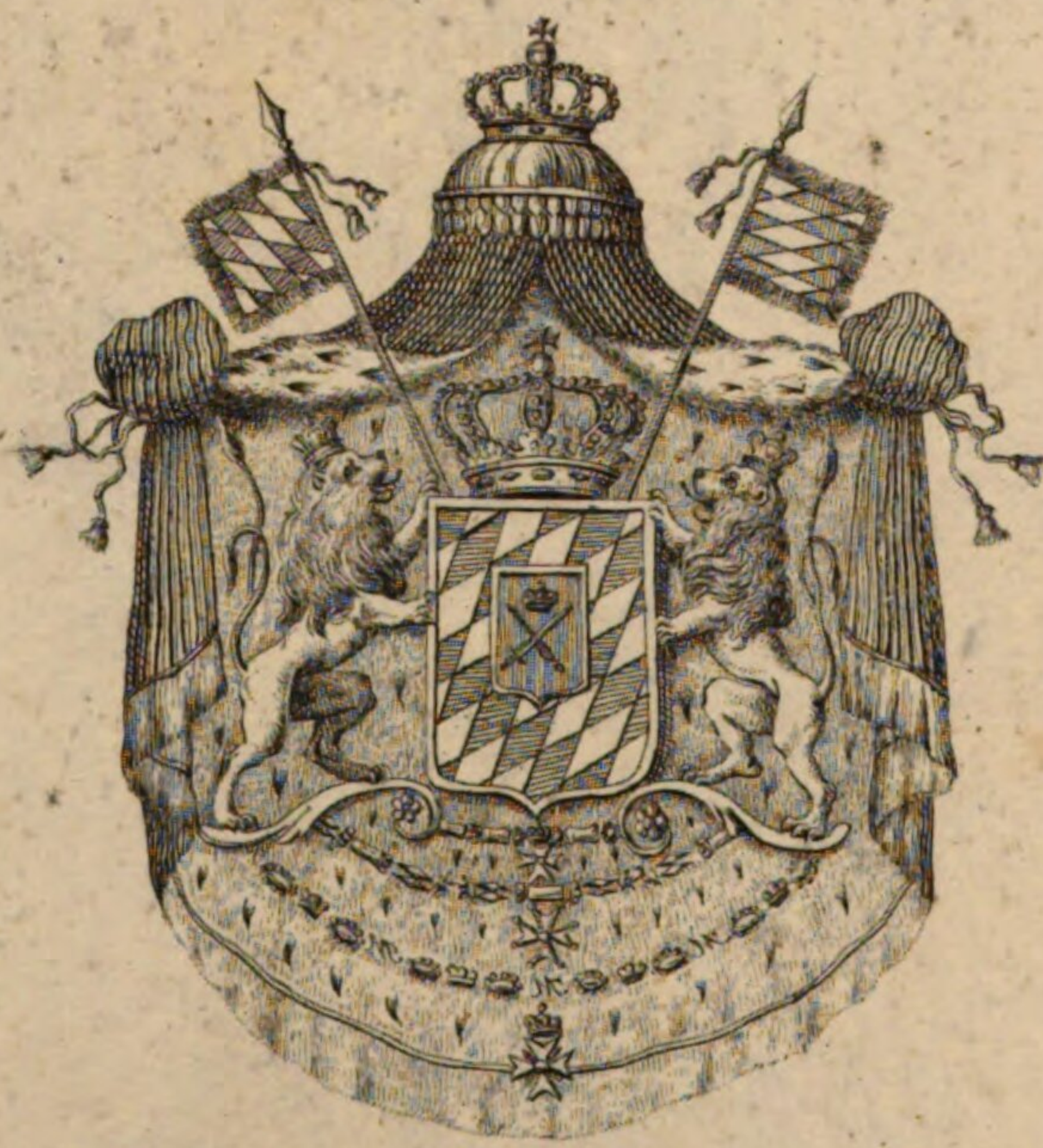
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THE
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OF
SIR WILLIAM JONES.

IN SIX VOLUMES.

VOL. IV.

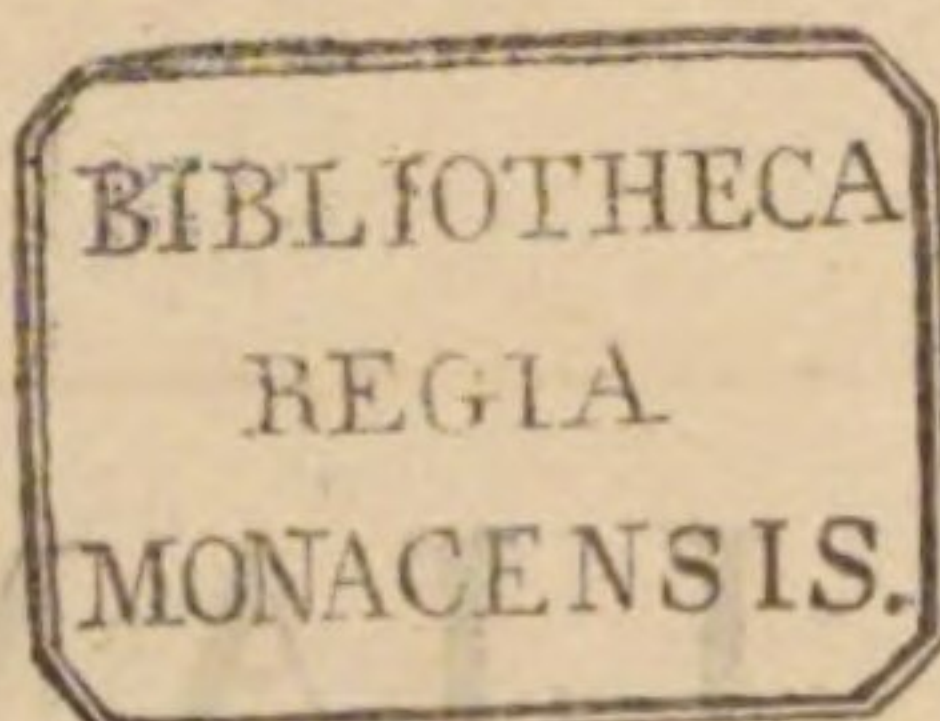
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AND R. H. EVANS (SUCCESSOR TO MR. EDWARDS), NO. 26, PALL-MALL.

MDCCXCIX.

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IN SIX VOLUMES

VOL. IV.

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MDCCLXXV.

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A. T. H. S.

THE SPEECHES
OF
I S Æ U S
IN CAUSES CONCERNING THE LAW OF SUCCESSION TO PROPERTY

AT
ATHENS,

WITH
A PREFATORY DISCOURSE,
NOTES CRITICAL AND HISTORICAL,

AND
A COMMENTARY.

THE SPEECHES

OF

ISAAC

IN CAUSES CONCERNING THE LAW OF SUCCESSION TO PROPERTY

AT

ATHENS

WITH

A PRELATORY DISCOURSE,

NOTES CRITICAL AND HISTORICAL,

AND

A COMMENTARY.

B

VOL. IV.



THE

EPISTLE DEDICATORY

TO

THE EARL BATHURST.

MY LORD,

IF I were not fully apprized of Your Lordship's contempt for that servile and adulatory style, in which patrons of eminent rank are too frequently addressed; yet my own habits and sentiments would sufficiently secure You from the uneasiness, which panegyrick most sensibly gives to those who most highly deserve it; nor should I indeed have been ambitious of obtaining any protection for the following work, which must succeed or fail by its own worth or demerit, and cannot be supported by the splendour of a name, if the obligations, which Your Lordship has conferred on me, were not of such a kind, as to call aloud for the most open and the warmest acknowledgement.

On such an occasion, it might perhaps be pardonable to deviate a little from my former principles, and to delineate Your Lordship's character in just, yet glowing, colours; especially as my own certain and personal knowledge of it has given me the power of drawing it to the life; and, if one of two groundless imputations must necessarily be incurred, I should prefer the suspicion of being a flatterer to the charge of being ungrateful; but I must not forget that it is Yourself, whom I

am

am addressing, and I could not write to You with pleasure what I knew You would read with pain.

I check myself, therefore, my Lord, with reluctance, and abstain from those topicks, to which the overflowing of my zeal would naturally impell me; but I cannot let slip this opportunity of informing the publick, who have hitherto indulgently approved and encouraged my labours, that, although I have received many signal marks of friendship from a number of illustrious persons, to whose favours I can never proportion my thanks, yet Your Lordship has been my greatest, my only, Benefactor; that, without any sollicitation, or even request on my part, You gave me a substantial and permanent token of regard, which You rendered still more valuable by Your obliging manner of giving it, and which has been literally the sole fruit that I have gathered from an incessant course of very painful toil; that Your kind intentions extended to a larger field; and that You had even determined to reward me in a manner the most agreeable both to my inclinations and to the nature of my studies, if an event, which, as it procured an accession to Your happiness, could not but conduce to mine, had not prevented the full effects of Your kindness.

It might here become me to suppress, what I cannot however persuade myself to conceal, that Your Lordship was pleased to assign the most flattering reasons for Your intention, and to declare that You desired my promotion both for my own sake, and for that of the publick; the first of which motives I ascribe to Your candour and the goodness of Your heart; the second, which I am wholly unconscious of deserving, I can impute only to Your singular benignity and indulgence.

As a benefit intended is the same in my opinion with a benefit conferred, my obligation to Your Lordship is perfectly equal; and this
sentiment,

sentiment, I entreat You to believe, no change of situation can alter, no length of time can obliterate. I had a friend, my Lord, who knew my gratitude for the former instance of Your kindness; and He indeed was entitled to some share of it, as it was He, who procured me the honour of being known to Your Lordship: with Your late favours, unhappily for me, and unhappily for all who were connected with him, he did not live to be acquainted.

Your Lordship perceives that I speak of Sir JAMES PORTER; whom You also called your friend, and by whom You were most truly esteemed and respected. He was a man, whose social virtues were so transcendent, that his life was spent in perpetual exertions of them, and not a day of it elapsed without some intention sincerely expressed, or some act zealously performed, for the pleasure or advantage of another; nor were his talents inferiour to his benevolence; for, during his embassy at CONSTANTINOPLE, where he gained a perfect acquaintance with the manners of the extraordinary people among whom he resided, his address and activity were so properly exerted, that the interests of our mercantile body were never better secured, nor the honour of our nation better supported. Of useful, as well as ornamental, knowledge, both in literature and science, he had considerably a greater portion than is usually possessed by men of the world; and, while he was effectually serving his country as a minister, he justly acquired the reputation of a scholar. One part of his character was no less amiable than uncommon: so totally free was he from envy, the vice of little souls, that he was always eager to encourage the appearance of literary merit, wherever it could be found; and, if any person had cultivated a particular branch of learning more assiduously than himself, he took a real pleasure in receiving information, and, what was still more rare at his age, in renouncing ancient prejudices, and retracting opinions which he allowed to have been precipitately formed.

But

But it is needless to expatiate on his excellent qualities, which were known to Your Lordship, as well as to many of Your common friends; and I need only add, that his well spent life would have been completely happy, if it had lasted until he had seen You retire with dignity from the high office which You so long filled with honour, and had been witness of the splendid tranquillity which you now enjoy.

The nature and scope of the following work, which I had before imparted to Him, I took the liberty of explaining also to Your Lordship; and, if the execution of it were conformable to the design, I might flatter myself, that it would obtain your approbation: it has antiquity at least to recommend it; and, whatever opinion Your Lordship may justly entertain concerning the general utility of minute philological researches, yet You will be convinced, that ancient literature, properly directed, may be applied to many useful purposes beyond those intended at the school or the college.

Among other things, You will remark with satisfaction, that, how much soever the old states of Greece might have surpassed us in the productions of art and genius, yet the administration of justice, on which our common security depends, now flows in a purer stream at Westminster, than formerly at ATHENS; for the Archon sat in a tribunal, where every case was generally decided by a kind of political law, to which no precedents were applied, and from which no rules were deduced; whereas Your Lordship presided in a court, where the great boundaries of property are not only distinct and visible, but irrevocably fixed, where nothing is vague or precarious, nothing left to discretionary interpretation, but where Your predecessors wisely established, and Your Lordship nobly maintained, a beautiful system of liberal jurisprudence, which, while it secures many important rights of our countrymen, contributes to the glory of our country itself by attracting the admiration of all mankind.

The

The laws of ENGLAND are the proper study of Englishmen; but they always shine with greater lustre, when they are compared with those of other nations; and, as Your Noble Father constantly admired the eloquence of Demosthenes, so I am persuaded that Your Lordship will not be displeased with the speeches of an orator, whom Demosthenes himself both admired and imitated: if I should not be deceived in this expectation, I shall gain a sufficient reward for my trouble in translating him, and shall feel Your Lordship's approbation of my passed, to be the strongest incentive to future, labours.

I am, my Lord,

with unfeigned respect,

Your Lordship's

most obliged and

most grateful servant,

WILLIAM JONES.

The laws of ENGLAND are the proper study of Englishmen; but they always shine with greater lustre, when they are compared with those of other nations; and, as Your Noble Father constantly admired the eloquence of Demosthenes; so I am persuaded that Your Lordship will not be displeased with the speeches of an orator, whom Demosthenes himself both admired and imitated: if I should not be deceived in this expectation, I shall gain a sufficient reward for my trouble in translating him, and shall feel Your Lordship's approbation of my pains, to be the strongest incentive to future labours.

I am, my Lord,

with unfeigned respect,

Your Lordship's

most obliged and

most grateful servant,

WILLIAM JONES.

THE

PREFATORY DISCOURSE.

THERE is no branch of learning, from which a student of the law may receive a more rational pleasure, or which seems more likely to prevent his being disgusted with the dry elements of a very complicated science, than the history of the rules and ordinances by which nations, eminent for wisdom and illustrious in arts, have regulated their civil polity: nor is this the only fruit that he may expect to reap from a general knowledge of foreign laws both ancient and modern; for, whilst he indulges the liberal curiosity of a scholar in examining the customs and institutions of men, whose works have yielded him the highest delight, and whose actions have raised his admiration, he will feel the satisfaction of a patriot in observing the preference due in most instances to the laws of his own country above those of all other states; or, if his just prospects in life give him hopes of becoming a legislator, he may collect many useful hints, for the improvement even of that fabric which his ancestors have erected with infinite exertions of virtue and genius, but which, like all human systems, will ever advance nearer to perfection and ever fall short of it. In the course of his enquiries he will constantly observe a striking uniformity among all nations, whatever seas or mountains may separate them, or how many ages soever may have elapsed between the periods of their existence, in those great and fundamental principles, which, being clearly deduced from natural reason, are equally diffused over all mankind, and are not subject to alteration by

any change of place or time; nor will he fail to remark as striking a diversity in those laws, which, proceeding merely from positive institution, are consequently as various as the wills and fancies of those who enact them: such, among a thousand, are the rules by which the possessions of a person deceased, whether solid and permanent, or incorporeal and fluctuating, are transmitted to his heirs or successors, and which could never have been so capriciously diversified, if they had been founded on pure reason, instead of being left to the discretion of every society, for whose convenience they are calculated.

Sir MATTHEW HALE, to whose learning and diligence the present age is no less indebted than his contemporaries were to his wisdom and virtue, seems to have approved the study which I recommend; and, in his History of the Common Law, has given a summary of the rules which prevailed among the ancient Hebrews, Greeks, and Romans, concerning the hereditary transmission of property; but, as he professed to touch very shortly on that subject, and was contented with transcribing the version of Petit, without having recourse to the authors by whom the originals are preserved and explained, his account of the Attick laws is remarkably superficial and erroneous. He complains, that the text is very obscure: it is, indeed, as he cites it, not only dark, but corrupt; and the sense, which he collects from it, is by no means perspicuous. A desire of removing this obscurity, and of supplying a defect, however unimportant, in the work of so great a man, first induced me to renew my acquaintance, which had been for many years interrupted, with the Athenian orators, from whose private speeches I had reason to expect the clearest light on the subject of inheritances; and I presently recollected one of them, whose remains I had seen when I was a boy, but had been deterred, like many others, from reading them, by the difficulty of the forensick terms, which occurred in almost every page.

This

This was ISÆUS, a lawyer of the first class at Athens, and an advocate, as the ancient criticks agree, of a strong original genius; but, as his works must have been dry, if not unintelligible, to the herd of grammarians and philologists, by whom the old monuments of Grecian learning were saved from destruction, they seem to have been greatly neglected; for, out of at least fifty of his genuine speeches, which were extant in the ninth century, ten only remain; and these, as they all relate to the Athenian laws of hereditary and testamentary succession, and give abundant satisfaction upon that head, I here present to the student of our English laws in his native language, not doubting but that they will yield him the same entertainment which they have afforded me: since, however, he will naturally expect some account of an author, with whom so few are acquainted, I will endeavour, before I resume the subject of the Attick laws, to satisfy his expectations; having first apprized him, that this ancient orator must be carefully distinguished from another of the same name, who seems to have flourished at Rome in the reign of Trajan or Domitian; for he is highly extolled in a set epistle by the younger Pliny, and incidentally by Juvenal, as a wonderfully rapid speaker, and a sketch of his life is drawn by Philostratus, who calls him an Assyrian, and adds, that in his youth he was extremely addicted to the pleasures of love and wine, and was remarked for the foppery of his dress, but that he afterwards changed his course of life, and became, as it were, a new man; it is evident, that the declaimer, of whom they speak, had nothing in common with my author but the volubility of his language, and his name, which was probably assumed, as that of Isocrates also was taken by one of the later sophists who wrote the instructions to Demonicus.

ISÆUS, the master of Demosthenes, and the true fountain of that eloquence which afterwards flowed with so impetuous a stream, is by some supposed to have been a Chalcidian, and by others, with greater appearance

appearance of probability, an Athenian: but whatever country may claim the honour of being his birth-place, it is certain that he was educated at Athens, where he became famous as a pleader of causes after the close of the Peloponnesian war. The time of his birth may be nearly ascertained by reasoning from the known or supposed dates of his speeches; for that on the estate of Dicæogenes appears to have been delivered in the fourth year of the ninety-seventh Olympiad, or two thousand one hundred and sixty-six years ago; now it is very probable that he was then at least in his twenty-seventh year; for it has been remarked, that both Demosthenes and Cicero began to distinguish themselves at that age; and Dionysius, on a similar occasion, supposes that Dinarchus must first have spoken in publick at the age of twenty-five or twenty-six; whence we may fairly conclude, that Isæus was not born after the ninetieth Olympiad; and we can hardly believe that he was much older, since he certainly continued to flourish as an advocate, and composed the speech on the estate of Hagnias, after the beginning of Philip's reign. If this computation be just, he could not have been regularly a pupil of Isocrates, who was born in the first year of the eighty-sixth Olympiad, but, according to the best accounts, did not open his school till the archonship of Lyfistratus, when Isæus was at least in his forty-eighth year, and in the height of his reputation: it is not, indeed, improbable, and no more, perhaps, than this was meant by Hermippus, that he might occasionally attend the lectures of so renowned a master; but it is certain, that he took pupils himself at that very time; for Demosthenes, who was then but twelve years old, and who soon after deliberated on the choice of an instructor in the art of speaking, preferred him to Isocrates, not from any difference in the prices of their instructions, as it is vulgarly supposed, but from a well-grounded opinion, as Plutarch justly imagines, that the style and manner of Isæus were more forcible, and better adapted to the purposes of real life, than the fine polish, elegant turns, and sweet numbers, which

Isocrates

Isocrates taught with so much refinement. This ardent and nervous diction which Demosthenes admired, he imitated also with such success, that in his seventeenth year he pronounced the speeches now extant against his guardian Aphobus, and not long after delivered the two against Onetor, which some of the old criticks suppose to have been written, or at least corrected, by his master: we may trace, indeed, the manly features of the instructor in those and several other compositions of the illustrious pupil, whose orations on publick affairs, with which Isæus never interfered, exhibit so noble a specimen of true eloquence, that the palm has been by universal consent given to him as the first orator of Greece; yet his private speeches are not superior in force or beauty to those of his teacher, who would probably have thundered with equal energy in the assembly of Athenian citizens, if his temper and inclination had not induced him to prefer the certain advantages of a very useful profession to the precarious favours which the giddy populace bestow and resume at their pleasure. This, however, is no more than conjecture; for even the profound antiquary and excellent critick, DIONYSIUS, who has left us an admirable treatise on the style of Isæus, professes a total ignorance of his life and conduct in civil affairs; but it is obvious, that, if he had taken any part in administration, and harangued the people on important occasions, a man of his great capacity and application must soon have been distinguished by his contemporaries, and would have been mentioned with applause by the historians of his country. My opinion is likewise confirmed by the titles of his genuine speeches preserved by Harpocration, Pollux, and Apostolius, not one of which appears to have been delivered on any national question; and this may be the reason, why most of the ancients, who are so copious in praising the smoothness of Isocrates, the graces of Lyfias, the founding periods of Æschines, the dignity of Lycurgus, the united force and elegance of Hyperides, say nothing of Isæus; for all the others were eminent in publick life, or at least composed orations on subjects
of

of a publick nature: thus Lyfias added to his other excellent qualities an ardent zeal for liberty, and raised five hundred men at his own expenfe for the fervice of the ftate, in expelling the thirty tyrants, and reftoring the popular government, which he fupported alfo by his eloquence; and Ifocrates laboured fuccefffully to unite the Greeks in a common caufe againft their old enemy the king of Perfia: the political conduct of Æſchines, Lycurgus, Hyperides, is generally known; and, although Dinarchus would not perhaps have attained much celebrity by the ftrength of his own genius, yet he has acquired a rank among the ten orators of Athens by his affiduous imitation of the great man, whom he could not but admire, even when he impeached him: as to Andocides, his offences and misfortunes would have preferved his name, if his harangue on a peace with the Lacedæmonians had been loft; and, if Antipho had left no fpeeches in criminal cafes, yet the place, which Thucydides, who is thought to have been his pupil in rhetorick, has given him in the hiftory of the Peloponneſian war, would have rendered him fufficiently illuſtrious; fo that, of all the ten, Iſæus alone appears to have confined his talents to the narrow limits of the bar and the compoſition of forenſick arguments; which, however intereſting to lawyers, cannot be ſuppoſed to attract the notice of ſcholars in general ſo much as the pompous and ſolemn orations on treaties and embaffies, or the various events of an obſtinate war. After all, one cannot help wondering, that, although Dionyſius lived in the very age of Cicero, and was copied almoſt too cloſely by Quintilian, yet the name of Iſæus is not particularly diſtinguiſhed in the rhetorical pieces of the two Romans: for this omiſſion I can no otherwiſe account than by aſcribing it to inadvertence or to accident; and by obſerving, that the fame of the Philippicks was ſo ſplendid as not only to eclipse the reputation of a mere advocate, but even to diminifh the attention due to the other productions of Demofthenes himſelf, whoſe private ſpeeches have been almoſt as much neglected as thoſe of his maſter.

This

This is all that I have been able to collect concerning the life of ISÆUS, and I now proceed to discourse more at large, but without prolixity, on his professional character and the style of his oratory, not meaning to anticipate the judgement of the publick on the following speeches, but intending to show in what estimation he was holden by the Grecian criticks, and principally by the Halicarnassian, the most learned of them all; from whom, however, I shall more than once take leave to dissent.

First, it is hard to conceive, why Dionysius, in the very beginning of his treatise, the sole object of which was to display the peculiar excellence of Isæus and the originality of his genius, should assert, that he was chiefly illustrious for having given instructions to Demosthenes: this is not only contradictory, but the fact itself is so far from being true, that, if his pupil had never been born, his reputation would probably have been greater, and he would have been reckoned the first orator of his age, or at least the next to Hyperides; for the judicious Hermogenes, whose rhetorical tracts are fortunately preserved, places him far above Lyfias, and below none but Demosthenes, in that mode of speaking which he calls *popular*, and which alone seems to be calculated for real struggles in active life, where genuine eloquence has the fullest room to expand herself in bright and natural colours. It is surprising too, that Isæus should all along be represented as the imitator of Lyfias by the very author who expressly calls him, in his account of Dinarchus, *the inventor of his own original style*: he could not, indeed, but admire so fine a composer, who was about forty years older than himself, and had long enjoyed a very flourishing reputation: he must have studied the compositions of Lyfias, and possibly began with imitating them; but finding them too soft and delicate for his forensick combats, which required stronger nerves and harsher features, he changed his course, and, taking nature alone for his guide, discovered and pursued

fused a new species of eloquence, which Demosthenes carried to such perfection, that no mortal will ever surpass, nor perhaps equal, him, until the same habits of industry and solidity of judgement shall be found united in one person with the same fire of imagination and energy of language. One thing we must necessarily take to be true on the credit of Dionysius; that many speeches of Isæus were hardly distinguishable from those of Lyfias; but they might have been his earliest productions, or the subjects of them might have required a softer and more simple strain.

The true comparison between Lyfias and Isæus appears to be this: purity, accuracy, propriety, conciseness, perspicuity (in the perfect mixture or rather union of which Hermogenes makes the popular style consist), were common to both of them in an equal degree, and both possessed that roundness of expression, to which nothing could be added, and from which nothing could be removed without destroying its justness and symmetry; but the orations of Lyfias had all that sweet simplicity, that exquisite grace, that clearness, and, as it were, transparency, which characterized the genuine Attick diction, and which may be more easily conceived than defined, admired than imitated; for it is analogous to gracefulness in motion, to melody in a series of sounds, and to beauty in the most beautiful of all visible objects, the human form: the lineaments of Isæus were more dignified and manly, and his graces rather those of Mars than of Adonis; for Dionysius observes, that his figures were stronger and more various, his composition more forcible and impetuous, and that he surpassed Lyfias in ardour and vehemence, as much as Lyfias excelled him in simple and natural charms. In respect to the form and order of their speeches, there appears to have been infinite art in both those orators; but the Critick represents the art of Lyfias as more subtle and recondite, that of Isæus as more easily discoverable: according to him there was hardly a speech of my author,
which

which had not the appearance of being premeditated and moulded into a fashion the best adapted to the purpose of winning the minds of the jurymen, and of seducing their reason, if he could not convince it; but this also we must take in great measure upon trust, for scarce any traces of this open and apparent art, with which both Isæus and his pupil were reproached, are visible to us in their compositions, which breathe the spirit of truth and justice, and seem to have been dictated by nothing more than a natural animation. We may argue, however, as long as we please: it is certain, that both Isæus and Demosthenes had the reputation of being extremely subtle advocates, a reputation by no means favourable at the bar, as it always diminishes and frequently destroys the confidence of the jury, who, through a fear of being deluded, are apt to suspect a snare in every argument of such a speaker: it is no less certain, that, in this respect, the ancients allowed the superiority of Lyfias over all pleaders of causes who ever existed; for no artful arrangement appeared in his speeches, no formal divisions, no technical mode of reasoning; but he opened his case with a plainness that captivated his audience, whilst it enlightened them; so that, if Truth herself had assumed a human voice and form, she could have used no other language. Demosthenes and Isæus, without having any thing forced or unnatural in their productions, took more pains than Lyfias in preparing the minds of the judges; in relating the facts which gave birth to the litigation; in dividing the parts of their address to the court; in marshalling their evidence; in disposing and enforcing their observations; in digressing without deviation; in returning to the subject without abruptness; in amplifying; in aggravating; in extenuating; and, as Dionysius says particularly of Isæus, in attacking their adversaries, laying close siege to the understandings, and storming the passions, of the jury; not omitting any thing that might tend to secure the fruit of all forensick labours, a verdict or judgement for their clients: for this purpose, if the cause was weak, no insinuation, no address, no contrivance, was neglected by Isæus in order to support it; but, when he happened to have justice on

his side, his method seems to have been admirable. His manner of opening was various, according to the great variety of causes in which he was employed; sometimes he told his story in a natural order, with conciseness and simplicity, without preparation, without ornament, without any mixture of argumentation; sometimes he divided a long narration into several heads, proving each of them, as he went along; a method, of which he seems to have been fond, and which could not but conduce to the perspicuity of his speeches: in all cases he made frequent use of that oratorical syllogism, which logicians call *epichirema*, where the premises are respectively proved by argument or evidence before the speaker draws his conclusion; while the *enthymema*, in which one proposition is suppressed, appears to have been more agreeable to the manner of Lyfias; and Dionysius, indeed, mentions this as a strong mark of discrimination between the two advocates. His other modes of arguing, his anticipations, recapitulations, digressions, inversions, variations, transitions, were all happily and seasonably applied in conformity to the disposition of his judges, and the nature of each particular case; and here I cannot forbear adding the sketch of a speech, now unfortunately lost, against ARISTOGITON and ARCHIPPUS, which the illustrious critic, whom I have so frequently cited, has given us as a specimen of my author's method.

It was a cause, in which the brother of a person deceased, claiming a right to the succession, called upon a stranger for a discovery and surrender of the personal estate remaining in his hands: the defendant pleaded to the bill, that the defunct had bequeathed his personalty to him; and hence arose two questions; first, an issue of fact, Whether any such bequest had been made or not; and, secondly, an issue of law, Who was entitled to the possession of the goods in dispute pending a suit concerning the existence or validity of the will. Isæus, therefore, began with explaining the general doctrine on that subject, and demonstrating in particular, that *a devisee cannot legally possess the property devised,*

vised, until his right be judicially established; a point of Athenian law, which the reader will find illustrated in one or two of the following speeches: thence he passed to an investigation of the fact, and contended, that no will at all had been made by his brother; and this he proved, not by a simple and continued relation of events, but, his narration being necessarily long, he distributed it into sections, calling witnesses, as he proceeded, to each head, producing his written evidence, as occasion required, and corroborating the whole with a number of arguments drawn from all the circumstances of the cause, which he supported.

Various other examples are cited by Dionysius from the works of both orators in illustration of his criticism; and they are all so apposite, that I should be glad to entertain the English reader with them, if it were not almost impossible to convey in our language an adequate notion of the nice distinction between the different originals: it is very possible, I hope, to give in a translation some general idea of an author's peculiar manner, and the cast of his composition; but it would be no easy task to find words and sentences exactly correspondent with the Greek, and to pronounce that, if Lyfias and Isæus had been Englishmen, the first would have selected such a word or such a phrase on account of its simplicity, which the other would have rejected in favour of one more energetick and sonorous. The diversity between them, in regard to the disposition of their arguments, might, indeed, be made plainly discernable in any other tongue; but, after full consideration, I resolved to subjoin the fragments of Isæus, without translating any of Lyfias, especially as most of his orations may now be read in English, with no less pleasure than advantage, by any one who shall think proper to compare him with my author. Had more of their productions been preserved, we should have seen more clearly the propriety of the comparison with which the critick of Halicarnassus illustrates his observations; for he declares his opinion, that the speeches of Lyfias resemble ancient pieces of painting in the simplicity of their colours and the graceful correctness

rectness of their outlines, while those of Isæus are like the more modern pictures, which are less accurately drawn, but finished with bolder strokes of the pencil, decorated with a greater variety of tints, and enlivened with a stronger opposition of light and shade.

On the whole, the orator Pytheas might have reproached Demosthenes with some reason for having transferred into his practice and manner of speaking the artifices and subtilty of his master; but Dionysius himself may go too far, in saying that the consummate art of Isæus and his pupil made them liable to suspicion, even when truth and equity were on their side, while the plainness of Isocrates and Lyfias gave even a bad cause the colour of justice and reason; as if a glowing and rapid style, or a just arrangement of topicks, could have been suspected of imposture more than the sly insinuating air of candour and openness, which the most artful men often assume.

I cannot leave this subject, without combating in few words an opinion of Cicero intimated in all his rhetorical pieces, and expressed very roundly in that little fragment, which seems to have been part of a preface to his translation of Demosthenes and Æschines for and against Ctesipho, but the authenticity of which was doubted by Manutius. It begins with a positive assertion, that “there are no distinct species of oratory, as there
 “ are of poetry; that, although a tragick, and epick, and a lyrick, poet
 “ may be all equally perfect in their several ways, yet that no man can
 “ justly be called a speaker, unless he unite in the highest degree the
 “ powers of instructing, delighting, and moving, every audience on every
 “ subject.” A character so various, and a genius so comprehensive, must necessarily be the object, if ever it should exist, of general admiration; but why it is not sufficient to call such a man the greatest, without insisting that he is the only, orator, or why an advocate, who never applied his talents to the senatorial species of eloquence, may not attain perfection in the forensick, and so conversely, I am at a loss to comprehend.

hend. *Menander*, you say, *would not have desired to be like Homer*; certainly not in his comedies; *but every speaker wishes to resemble Demosthenes*; as certainly not, when he is addressing the jury on the obstruction of ancient lights or the diversion of a watercourse. The kinds of speaking are different; and, though one of them be more exalted than another, yet orators, as well as poets, may in those different kinds severally reach the summit; and this analogy may be extended to all the fine arts: Myro was not a less perfect sculptor in marble, because he was unable probably to finish gems with the delicacy of Trypho; nor, to speak of modern artists, will Rafaele ever be degraded from his high rank among painters, because he might not have been able to draw Cupids and Nymphs with the minute elegance of Albani; in the same manner as Demosthenes will always be allowed to have hurled the thunder of Grecian eloquence, although he could not perhaps (whatever Tully may suggest to the contrary) have spoken with the simple graces of Lyfias. Philosophers may refine, and logicians may distinguish, as learnedly and subtilly as they please; it will, after all, be true, that the eloquence of a senator is of a species wholly different from the eloquence of an advocate; that the two kinds ought never to be confounded; and that a complete speaker before a jury or a single judge may strain his throat without effect in a popular assembly. If Cicero, indeed, meant no more than that the title of orator should be given only to one, who, like himself, excells all men in every way, the argument is reduced to a mere dispute about words, which every writer may apply as he thinks proper, provided he apprize his reader of the new sense in which he means to use them; but, surely, he might have asserted, with equal propriety, that he alone, who surpasses the rest of mankind in every sort of poetry, deserves the appellation of a poet; for nothing can be more exact than the analogy between the two arts, and their near alliance is often acknowledged by the great man himself, with whose opinions I am taking so much liberty: had he said that by the word *orator* he meant a speaker, who had cultivated every branch
of

of his art, the Romans might have thought this an innovation in their language, but they would, perhaps, have adopted the definition on his authority. We are not however contending about the proper application of terms, or the abstract idea of universal genius: the single question is, Whether there are not distinct species of oratory as there are of poetry, and whether a man may not be perfect in any one or more of them, without having directed his talents to the cultivation of the rest; for the decision of which point, I appeal to such of my readers as have heard ten speeches at our English bar, and as many in either house of parliament. They will forgive me for having applied, and for still applying, the word orator to ISÆUS, although his eloquence was wholly forensick; and I confer this title on him with more confidence, because there is reason to believe, that he sometimes delivered his own speeches, without confining himself entirely to the difficult, but less noble, task of composing for others; for I must confess, that I can form no idea of an orator without elocution and action, nor can the praise of eloquence be justly, or even without a solecism, be bestowed on mere invention and composition, which constitute indeed the body of oratory, but speech and gesture alone can give it a soul. Whether the remaining works of my author will justify the criticism of Dionysius and Hermogenes, or whether my interpretation of them may not have weakened their original force, must be left to the impartial judgement of the reader; but this advantage will naturally result from my present publication: if the following speeches should be thought manly, nervous, acute, pertinent, and better in most respects than the generality of addresses to an English jury on similar subjects, we shall have a kind of model, by which the student may form himself, allowing for the difference of Athenian laws and manners; and, if they should appear inferior in all those qualities to the speeches usually delivered by our leading advocates, we shall have reason to congratulate our age and country, and to triumph in the superiority of our talents; for our leaders often make the ablest and most spirited replies without a possibility of premeditation; and wonderful, indeed,

deed, must be the parts and eloquence of those, whose unprepared effusions equal or surpass the studied compositions of the ancient orators.

In whatever estimation ISÆUS may be holden by his translator's contemporaries, it is certain that he stood very high in the opinion of his own; but the fate of his works has not corresponded with the fame, which they procured him, while he lived: since, for the reasons before assigned, they were so much neglected in the darker ages, that no part of his fifty speeches, which were extant in the time of Photius, is known to exist at present, except what this volume contains, with about a hundred detached words and phrases explained by Harpocration and one or two other grammarians: even these ten speeches would in all probability have perished with the rest, if it had not pleased some man of letters to copy them; and it is much to be wished that he had added at least two more, one on the estate of Archipolis, and another on that of Menecles; for we should then have had a complete collection of the orations called *κληρικαι*, or relating to the subject of legal and testamentary succession. This copy, however, was repositied in the library belonging to a monastery on Mount Athos, whence it was brought to Florence at the beginning of the sixteenth century by Lascaris, who had been sent to Greece by Lorenzo di Medici to purchase manuscripts; and it is preserved at this moment in the Medicean collection. Five years after the book was in Italy, it was printed at Venice, with some other orations, by the indefatigable ALDUS MANUTIUS, who gives the preceding account of it in his preface; and it may be presumed, that his edition, upon which the curious set a high value, is a very exact impression of the manuscript with all its inaccuracies. Towards the close of the same century, the celebrated HENRI ETIENNE, whom we have naturalized and call Henry Stephens, reprinted the Aldine edition of the Greek orators with some judicious notes in the margin; but he seems to have taken more pains with Æschines and Lyfias than with the others,

others, and Isæus appeared under his inspection with scarce any greater advantage than that of a very handsome dress: this editor, in his epistle dedicatory, promised to collect all the Attick laws with a comparison between them and the institutions of modern nations; a work, which would have thrown an advantageous light on my author, but which unhappily he never completed. Many eminent scholars, who afterwards possessed this elegant edition, among whom were Scaliger and Saumaïse, scribbled a few hasty conjectures in the margin of Isæus; but the world at large knew little of his ten speeches for above forty years, until one ALPHONSUS MINIATUS, as he calls himself, undertook, in the seventy-third year of his age, to translate them into Latin: his attempt was highly laudable; but it is clear, that he understood neither the language from which, nor that into which, he translated; for every page of his version abounds with blunders so ridiculous, that, if any man can stoop to divert himself at the expence of another, he cannot find better sport than by reading Miniatus; and Schott of Antwerp, who professed a friendship for him, but must have known his ignorance, did wrong in suffering the old man to expose himself by such a publication. The accurate Perizonius, whose dissertations contain many excellent remarks on my author, complained some time after, that *the very useful speeches of Isæus, which his illiterate interpreter, Miniatus, had most unskilfully rendered, lay scandalously neglected*; and Fabricius expressed his wish, that a very good scholar, whom he names, would present the world with a new translation of them: but even these publick remonstrances could not attract the attention of learned men to a work, which they thought interesting to lawyers only; and Taylor, who published his Elements of Civil Law little more than twenty years ago, speaks of my author as a writer then hardly known: “When I quoted *Isæus*, says he, I would
“ suggest to my readers, that I mentioned an author upon many ac-
“ counts very valuable, but upon none so much as of the great light,
“ that he is capable of throwing upon the question before us, *de jure*
“ *hæreditario*;

“ *hæreditario* ; a subject, in which the orations, that are left of him, “ most remarkably abound.” It is probable, that so strong a recommendation from so judicious a writer produced some effect among the scholars of his time ; but Isæus was still an obscure name, till REISKE of Leipzick, about five years ago, published the originals of the following speeches, together with the treatise of Dionysius, in his elaborate edition of the Greek orators. As I have considerable obligations to this learned and laborious man, whom I mention here merely as the editor of Isæus, without entering upon the other parts of his work, I think it better to make this general acknowledgement of them, than to molest the reader with a superfluity of notes, especially as my opinion of his particular corrections may be always ascertained by my translation of the text ; and it must be owned, that although many of his annotations are hasty and even puerile, yet most of them are candid, plausible, ingenious ; and some of his conjectural emendations are wonderfully happy : his *interpretation*, indeed, is a prolix paraphrase in very harsh Latin ; but, as it shows his apprehension of the author’s meaning, and, as that apprehension seems to be generally right, let us be satisfied with the utility of a performance, in which elegance was not to be expected. It is with pleasure that I take this opportunity of giving a due share of praise to so well-intentioned and industrious a man, who, although he was not without the pride and petulance which too often accompany erudition, sufficiently attoned for those faults by the integrity of his heart and the intenseness of his application to the study of ancient literature, which his labours have considerably improved and promoted. To his valuable work we certainly owe the late excellent version of Demosthenes and Æschines by the Abbé AUGER, who promises also a translation of my author ; and, as my English Isæus has the fortune to see the light before the French, I shall be happy if it can afford any help to so respectable a scholar, who, disdaining the prejudices of an academi-

cian, and daring to express his own just sentiments, has the courage to recommend the learning and language of Athens in the heart of Paris; nor shall I blush to confess any errors that I may have committed, and, with the aid of his interpretation, to correct my own.

As to my work, I shall say very little concerning it, but fairly submit the whole to the judgement of the publick; for I never could approve the custom of authors, who, in their prefatory discourses, lay down rules of perfect writing, to which they insinuate that their own productions are strictly conformable. I will not, therefore, say with *Cicero*, if indeed he wrote the fragment beforementioned, that *I have translated Isæus not as an interpreter but as an orator*; nor with *Middleton*, who was fond of imitating *Cicero*, that *I have made it my first care, always to preserve the sentiment, and my next, to adhere to the words as far as I was able to express them in an easy and natural style*. I am fully persuaded, that there is but one golden rule for good translation; which is, to read the original so frequently, and study it so carefully, as to imprint on the mind a complete idea of the author's peculiar air and distinguishing features; and then to assume, as it were, his person, voice, countenance, gesture; and to represent the man himself speaking in our language instead of his own: but, whether I have acted the part of ISÆUS with exactness, whether I have justly expressed the peculiarity of his character, whether my style conveys an adequate notion of his nerves and spirit, his vigour and sharpness, I really cannot tell; nor, if I could, would it become me to tell my reader. One request only I must beg leave to make: that, if any person should conceive it an easy matter to translate into English the ancient orators of Greece, and should persist in that opinion while he reads my translation, he will instantly lay aside my book, take up the original, and render the next speech himself: if he should find the task more difficult than he had imagined, he will then give me the
only

only praise, which I desire, that of having taken no small pains to inform and entertain my countrymen ; to whom, if opportunity alone had not been wanting, I would long ago have made many greater sacrifices— But of myself enough has been said ; and, I hope, without impropriety.

I now resume the subject, from which I have so long digressed, and return to the Attick laws of hereditary and testamentary transmissions ; the text of which, together with a few other ordinances nearly related to them, I shall prefix to the speeches, reserving a fuller explanation of them for the commentary ; it being my sole object, in this introductory dissertation, to prepare my reader for compositions above two thousand years old, and to explain such allusions as may occur in them, so that he may understand them without the perpetual interruption of notes : with this intent I shall now subjoin a short sketch of an Athenian suit for the recovery of property in the court of HELIÆA, the only one of the ten, which my present subject leads me to consider. A more minute account of a law suit at Athens, from the original process to final judgment, would have been superfluous in this place, and even inconsistent with the scope of my work ; but, should the curiosity of any learned reader be raised by this summary, he will receive ample information from various tracts in the vast repository of *Gronovius*, among which I principally recommend the elegant treatise of CAROLUS SIGONIUS, *On the Athenian Republick* : that most judicious antiquary has, indeed, so completely exhausted the subject, that POTTER has done little more than translate his work with some additional authorities and a multitude of quotations, which are so far from improving his book, that they render it intolerably dry and tedious. M. Auger professes to have followed Potter and Petit, and has extracted from their rude materials a very perspicuous and agreeable dissertation on the jurisdiction and laws of Athens. I have turned them all over with as much attention as it seemed worth while to give them ; but my remarks are chiefly drawn from

from the pure source of the Greek orators themselves, and from their best interpreter, *Harpocration*. I cannot help grieving, that the *Commentaries on Isæus* by DIDYMUS have not survived the days of Gothic barbarity; for, although they were probably nothing more than glosses or grammatical notes, yet they would have been of infinite use in illustrating many dark passages, and fixing the purity of the text. The works too of HERO the Athenian, who wrote a treatise *On lawsuits at Athens*, and another *On the forensick contests of the old speakers*, would have given me no less entertainment and instruction than assistance in composing this part of my preface; and the same may be said of two lost books by TELEPHUS, the first, *On the laws and customs of the Athenians*, and the second, *On their courts of judicature*; but, instead of wasting time in fruitless regret, I proceed to discourse concisely on the same subject by the help of such imperfect light as remains.

It is almost needless to premise, what every person who has the slightest acquaintance with the constitution of Athens already knows, that all causes concerning inheritances, devises, legacies, portions, adoptions, marriages, divorces, alimony, widows, heiresses, orphans, guardians, belonged to the jurisdiction of the chief ARCHON, who gave his *name* to the year of his magistracy, and was thence often called *Eponymus*; a jurisdiction, which may in part be traced through the Decemviral laws to that of the Roman PRÆTOR, and from him, through the imperial and pontifical constitutions, to that of our CHANCELLOR. Either this great magistrate, whose tribunal was in the Odeum, or one of the six inferior Archons, called *Thesmothetæ*, generally sat, crowned with myrtle, for the purpose of receiving complaints from persons injured, of directing process, examining the parties, allowing or disallowing the action, and conducting the suit through its various stages; for, when a citizen thought himself wronged and resolved to seek redress in a court of justice, his first step was to prefer his *plaint* and de-
nounce

nounce the name of his adversary to the fitting magistrate, who *examined* the complainant, and, if he thought the action maintainable, permitted him to *summon* the defendant to appear at a certain day: it was allowable, where an expeditious remedy was required, to *attach* the person complained against, and carry him directly before the court, of which the reader will recollect many instances in the ancient comedies, where the scene is usually laid at Athens; but, in most cases of civil injuries, the first process was by *citation* or *summons*, for which purpose a number of apparitors or bailiffs, called *summoners*, were constantly at hand; nor can we suppose, that in a small state governed almost wholly by laws, which inflicted a severe punishment on contumacy, this monition of the Archon was often disobeyed: contumacious persons were declared *infamous*, a sentence no less dreadful to an Athenian, than *outlawry* to an Englishman.

When both parties were confronted before the magistrate, he proceeded to a strict examination of them, which was called the *interrogation*, and the parties litigant were at liberty to interrogate one another, as we learn from the speech on the estate of *Philoctemon*; whence also we may collect, that their *answers* were set down in writing and might be given in evidence against them at the trial, and that, if the Archon found it necessary, he might adjourn the examination. This was not unlike the French *recollement*, of which M. de Beaumarchais has given us a lively and curious description in one of his interesting memorials; and the student will find it an instructive and agreeable exercise to compare these judicial proceedings at Athens, not only with those of the civilians and canonists, of which he will see an exact sketch in Sir Jeffrey Gilbert's *Forum Romanum*, but also with those in our own courts of law and equity, and with the modes of bringing causes to a hearing in Scotland and France: to remind him at every turn of the analogy between these different forms of administering remedial justice,

justice, would be both idly ostentatious and inconsistent with my principal design.

It was the Archon, who gave the complainant the power of impleading his antagonist, prescribed the proper form of the action, of which the Athenians had a great variety, and, to use their term, *admitted* the cause into court; after which preliminaries the party complaining put in, as I conceive, his *declaration*, or *bill*, in which he set forth pertinently and succinctly the nature of the injury which he had sustained; and then, I imagine, the parties proceeded to their mutual *altercations*, which the Archon moderated and directed, and which, like our ancient *pleadings*, were delivered orally before his tribunal. If the plaintiff persevered in demanding redress, and the defendant insisted generally, that *he had committed no injury*, or *that he had a right to the property in question*, so that the merits of the cause might be fairly tried in a *direct* course, issue was then joined, as by the *Sponsio* of the Romans, and each party *deposited* a stated sum as a pledge of prosecuting his claim: nor was this all; for the parties were obliged to give in *cross-depositions*, in which they respectively swore, that they relied on the justice of their several cases, and would produce evidence of the truth. The Archon then enquired into the nature of that evidence, asked the parties, if they were prepared with their witnesses, and what was the number of them; for, if either of them was unprepared and could offer upon oath a just excuse for his want of readiness, the trial might be postponed. This was also the time for proposing terms reciprocally in regard to the litigation, as by written *challenges* to produce their slaves, whose testimony was always extorted by pain or by the apprehension of it, and who could not be exposed to torture without the consent of their masters, which was rarely given; but the party refusing to consent gave an advantage to his adversary, who, instead of ascribing his refusal to humanity, constantly imputed it to a dread of disclosing the whole transaction; of which
common

common topick we see a remarkable instance in the *Trapezitick* speech of Isocrates, whose very words are found in that of Isæus on the estate of Ciron, and in the first of Demosthenes against Aphobus: this identical passage in the three orators is adduced by Eusebius among other instances of the gross plagiarism with which he charges the Greeks; but it is a passage, which, to the honour of our nation, can never be copied by a British advocate.

It was competent, however, to the defendant, to put in a *dilatory plea*, as for instance, to the *jurisdiction* of the magistrate; or to *demur*, as we call it, to the declaration, by insisting that the action was not maintainable, or, in the language of the Athenians, not εἰσαγωγίμῳ or *admissible*; or he might plead *in bar* any fact that precluded the plaintiff from his suit, as a compromise and release, or the expiration of the limited time within which the complaint should have been preferred: this was in general *five* years; but the law of limitations doth not seem to have been very rigorously observed, as excuses for the non-claim were often made, and sometimes, probably, admitted. From this law there arises no small difficulty in the speech on the estate of PYRRHUS, whose adopted son Endius had been in possession above *twenty* years, yet, on his death, an attempt was made to invalidate the adoption by protesting that Pyrrhus had a legitimate daughter: now one would have imagined, that, had she been really legitimate, she would have been perpetually barred by not having *entered* on the estate, or opposed the claim of Endius, within the due time from the death of her father; but the five years only ran from the day when a new title accrued, and, she having passed the time of entering as *daughter* of Pyrrhus, her husband might have made a claim for her as *sister* and heiress of Endius lately deceased. However that might be, this cause affords a good specimen of Athenian pleading; for, in the original suit, Xenocles appears to have been complainant in right of his wife Phila, and to have demanded in
his

his bill the three talents, of which her father died possessed: to this the defendant, who was the mother of Endius, *pleaded*, that she was the sister of Pyrrhus, and, on the death of his adopted son without heirs, became entitled to his estate: Xenocles *replied*, in the form called διαμαρτυρία or a *protestation*, that she had no title, because *Pyrrhus had left a legitimate daughter*: this the defendant *traversed* or denied; and, as the issue was found in her favour, the complainant, who had *protested* pon oath, must necessarily have been perjured. I chose to give this Attick form the name of *protestation*, although *obtestation* be more literal, and although the former word be restrained in our law to a parenthetical allegation, which is not *traversable*; but I cannot too often request the reader of *Isæus* to place himself at Athens, and to drop for a time all thoughts of our own forensick dialect. This *protestation* then, which answered sometimes to a *demurrer*, and sometimes to a special plea *in bar*, differed from the παραγραφή or *exception*; for the first might be entered by either of the contending parties, or even by a third person intervening; as, in the litigation concerning the estate of Dicæogenes, when Menexenus and his cousins were going to join issue with their adversary, *Leochares* put in a *protestation*, *that the heirs at law were precluded from claiming the inheritance*: but the *exception*, which in general was a dilatory plea, could only be made by the defendant. These oblique modes of pleading were, however, considered as unfair, and were therefore discountenanced, as tending to divert the stream of justice, and to evade a candid investigation of the whole truth: thus *Thrasyllus*, in the sixth speech, makes a merit of having pleaded in a *direct* form, when it was in his power to have *protested* specially, that he was the adopted son of Apollodorus; and, in the fifth, the same topick is urged in favour of Chærestratus, whose advocate insists, that his opponent, instead of *protesting*, that Philoctemon had left legitimate sons, should have denied at once the validity or existence of his will. It seems that, in all cases of disputed estates, every devisee, and every heir, except a lineal descendant, was compelled to make a claim by exhibiting
a bill

a bill to the Archon: if his title was controverted, the adverse claimant presented a *cross-bill*, called ἀντιγραφὴ, and it appears from the last mentioned cause, that this course might be pursued by a person who had protested, even after the issue on his protestation had been found against him; whence it follows, that a multiplicity of trials was prevented by the εὐθυνία or general plea. We may collect also from a passage in the fourth of the following speeches, as well as from Harpocration, that when a stranger interposed by protesting, that *the estate was not ἐπίδικος* or open to controversy, it was usual to discontinue the original action, and to try the issue joined on the protestation, the event of which trial must have directed the judgement in the first cause: what follows that passage is extremely singular; for, when Leochares was more than half-convicted of perjury, the punishment of which was a perpetual deprivation of all civil rights, the plaintiff not only was permitted to decline taking the verdict, but even consented to accept the promise of Leochares himself, that Dicæogenes should surrender the property in dispute.

Whenever, in the course of these pleadings, the parties came to a *fact* or a point of *law* (for both were determined by the same judges) asserted on one side and denied on the other, the Archon proceeded, as if the defendant had pleaded generally: and all the writings in the cause, the bills, claims, cross-depositions, challenges, protestations, and exceptions, together with such instruments as had been exhibited, and, I believe, with the depositions of the witnesses, were enclosed in a vessel called ἔχιον, which could not be opened till it was carried into court.

Thus was a cause at Athens prepared for trial, and, we must acknowledge, in a simple and expeditious manner; nor was the popular form of pleading the general issue, and proving the special matter in court, liable to the objection of exposing the parties to the danger of being surprized

with an unforeseen case or unexpected evidence ; since all the circumstances were previously sifted, and the depositions accurately settled, in the presence of the Archon, so that each party was fully aware of his adversary's strength, and able to instruct his advocate without darkness or perplexity ; yet if we consider the multitude of law-suits, with which, as Isæus himself informs us, Athens abounded, it must appear strange how six or seven magistrates, even with their assessors, could have time to conduct the altercation of so many litigants, and to perform the other important duties of their office. At Westminster a similar plan would be found impracticable ; nor shall I easily be induced to wish for a change of our present forms, how intricate soever they may seem to those who are ignorant of their utility. Our science of special pleading is an excellent Logick ; it is admirably calculated for the purposes of analysing a cause, of extracting, like the roots of an equation, the true points in dispute, and referring them with all imaginable simplicity to the court or the jury : it is reducible to the strictest rules of pure dialectick, and, if it were scientifically taught in our publick seminaries of learning, would fix the attention, give a habit of reasoning closely, quicken the apprehension, and invigorate the understanding, as effectually as the famed Peripatetick system, which, how ingenious and subtile soever, is not *so honourable, so laudable, or so profitable*, as the science, in which *Littleton* exhorts his sons to employ *their courage and care*. It may unquestionably be perverted to very bad purposes ; but so may the noblest arts, and even eloquence itself, which many virtuous men have for that reason decried : there is no fear, however, that either the *contracted fist*, as Zeno used to call it, or the *expanded palm*, can do any real mischief, while their blows are directed and restrained by the superintending power of a court.—But let us return to Athens.

The next act of the Archon was to cast lots for the *judges*, on whom I chuse in general to confer that title, because they determined not the
fact

fact only, but the law and equity, of every case : although I have always been of opinion with the learned antiquary Dr. PETTINGAL, that they might with propriety be called *jurymen*; and that the Athenian juries differed from ours in very few particulars. It is well known, that the *Δικασταὶ* were a standing body of citizens, all at least thirty years old and of unblemished character, but without any stated qualification in point of fortune : before they were admitted into the order of judges, they swore solemnly, among other things, “ that they would never “ accept a bribe directly or indirectly for pronouncing their sentence, “ nor suffer any of their fellows to be bribed, with their knowledge, “ by any artifice or contrivance whatever ; that they would impartially “ attend to both plaintiff and defendant, and give a just verdict on the “ very point in issue ;” which oath, as we may collect from *Demosthenes*, they repeated before every trial, and the advocates seldom failed to remind them of it. The number of their names drawn by lot, in causes to be tried in the *Heliaea*, was usually five hundred, as we learn from the fourth speech of *Isæus* ; but, on very important occasions, a thousand, fifteen hundred, and sometimes two thousand, sat to decide the same cause ; so that they formed in reality a committee from the whole legislative body, and hence they are frequently pressed by the orators to be guided by the laws which they had themselves enacted : it is on account of their ample powers and their mixed character, that I call their sentence indifferently a *judgement*, a *verdict*, or a *decree* ; although at our bar we appropriate each of those words to a distinct meaning. The sentence was determined by the plurality of suffrages, but the nearer the court approached to unanimity, the more brilliant was the victory ; and, as he, who had not a fifth part of the votes, was fined a thousand drachmas, I conceive, that the parties were allowed to challenge such of the jurors as they could affect with a reasonable suspicion of a bias to either side. When the judges, on the day appointed, took their seats in the *Heliaea*, a place in the open air, but surrounded with

with a rope and attended by officers who kept off the croud, the Archon proposed or *introduced* the cause; and, if the defendant made default, judgement was given against him; but it was not final till two months had passed, within which time he might apply to the magistrate, and, by affigning on oath a satisfactory reason for his absence, might set it aside, and have another day fixed for the trial. When the parties appeared, they usually brought with them as many powerful friends as they could assemble, with a view, no doubt, of influencing the jury; a shameful custom! but which cannot easily be prevented in any country, and which seems to have been common at Athens, as we find in some of the old comedies, and in the beginning of the speech on the estate of Cleonymus: they were accompanied also by their advocates and witnesses, of whom it will be necessary to speak with as much conciseness as the subject will admit.

The office of *συνήγορος* was distinct from that of *ἐξηγητής*; as the first was the *actor causarum*, and the second the *jurisconsultus*, of the Romans; both which characters are generally united in our *counsel*: I call the first an *advocate*; although I have no certain knowledge that the *Athenian* title was given to men of a particular profession; but am inclined to think, that any man whatever, whom friendship or ability recommended to either party, might, with the permission of the court, plead his cause before the judges; nor do I believe, that this business was in general considered as reputable; for *Nicodemus*, who seems to have been a very profligate fellow, is reproached by Isæus in the second speech, for acting dishonestly in hopes of the petty fees, which he gained by pleading causes; and, in the eighth, *Xenænetus* and his associates, whom my author represents as a detestable crew, are said to have had such powers in speaking, that they were often employed as advocates. The *ρήτορες* were of a higher class; many of them, illustrious statesmen; and all, men of distinguished abilities, who were frequently engaged in private

private causes, either at the request of particular friends, or, like the Roman senators, who were forbidden to take money by the *Cincian* law, with a view of acquiring fame and popularity: but Antipho of Rhamnus is said to have been the first who took fees for his forensick labours. When the orators addressed the court in person, they were assisted, as *Tully* says, in matters of law by solicitors or agents, who were called *πραγματικοί*, and whose profession was reckoned illiberal; but, most commonly, the speeches were composed by the great masters of rhetorick, and delivered either by memory or from writing, by the clients themselves, or some of their intimate friends: for the Athenians were naturally quick; their general assembly was the best school of eloquence in the world; and, as they had but one language to learn, which was the finest ever spoken by mortals, the lowest among them could not only express themselves with propriety, but were even the nicest judges of the pure Attick diction. *Plutarch* tells us, in his treatise on *Garrulity*, that Lyfias wrote a speech for a client, who brought it back with great marks of uneasiness, assuring the orator, that, “when he first read it, “he thought it wonderfully fine; but that, on the second and third “reading, it appeared quite languid and inapplicable.” “What! said “Lyfias smiling, do you forget that you are to speak it but once to the “jury?” This mode would, for many obvious reasons, be hardly practicable among us; yet, in some criminal cases, we have instances of artful and elaborate defences, at least equal to those of *Antipho*, composed or delivered by the prisoners themselves; and, surely, no compositions require so much delicacy and judgement, since innocent men on such occasions are seldom eloquent. Sometimes both methods were united at the Athenian bar; and the party, having told his story in a set speech, was succeeded by his advocate, who pronounced the peroration in a loftier strain: of this we have some examples in Demosthenes, who is called up by name to finish the speech for Darius against Dionysodorus; and that of Isæus on the estate of Nicosthratus was, I believe, of
the

the same kind; for it contains very solid observations on laws and the nature of evidence, which would have come with a bad grace from the mouth of an ordinary client; and it concludes with a recapitulation of proofs, none of which appear in the preceding part; so that from these circumstances we may collect, more certainly than from the opening of the speech, that it was delivered by the orator in his own person; nor is it in any respect unworthy of his reputation. It is hardly necessary to observe, what the reader will naturally imagine, that women and infants both sued and were impleaded in the names of their husbands, guardians, or next friends; as, in the disputes about the estate of Hagnias, the *prochein amy* of young Stratocles exhibited the information, and delivered the charge, against Theopompus, whose son was afterwards attacked by the guardian of the third Eubulides. The time, which these judicial speeches were not suffered to exceed, was previously fixed by the Archon according to the nature of the cause and the number of pertinent observations which it required; and this time was regulated by the dropping of water through a glass, called *clepsydra*, which was carefully stopped, when any verbal or written evidence was produced, or any law, will, or other instrument, was read to the court: this was a restriction in most cases highly expedient for the dispatch of business; although Tacitus considered the *Pompeian* law, by which the length of a criminal's defence was limited to three hours, as a check to the free course of eloquence; and, as the power of allotting the due quantity of water seems to have been discretionary in the magistrate, the success of a cause might, perhaps, depend too much upon his vigilance, attention, and sagacity: on the whole, we proceed better, I think, without any such restraint.

It does not appear, that two or more advocates were ever heard at Athens on the same side, as they were at Rome, and commonly are with us on legal questions. Cicero, in his pleasing book on Famous Orators,

Orators, objects warmly to this practice; but his objections, in my apprehension, are not weighty: when he was a boy, there were but six advocates in the fullest business; nor have we many more, who are sure to be retained in every cause of great importance; to determine who are the Crassus and Antonius, who the Philippus and Cæsar, who the Cotta and Sulpicius, of our English bar, would be a task no less invidious than unnecessary; but if the most eminent were always to speak without any subalterns, a young barrister might be condemned at Westminster to a silence of twenty years.

If the reader has but opened the following work, he must have observed, that the Athenian advocates called their witnesses and read their depositions, as they went along, in proof of their several points, instead of crowding all their evidence together at the conclusion of their speeches; and, although eloquence flows more agreeably and ostentatiously in a continued stream, yet their method seems better calculated than ours for the purpose of enlightening and convincing the jury; since, as *Dionysius* remarks, *a number of proofs collected in one place, and belonging to a variety of heads, is inconsistent with perspicuity.* The witnesses were examined, and, I doubt not, cross-examined, in the preparatory stages of the cause; but they were not sworn till the day of the trial, when they took the oath together at the altar with all possible solemnity, and were afterwards called before the tribunal to confirm their depositions, or, if necessary, to correct and explain them; so that the practice of the Athenians happily united the advantages of both oral and written testimony. This was the form of a deposition in one of their most celebrated causes: “SOSIA deposes, that Callistratus, his
“ wife’s father, was first cousin to Polemo, the father of Hagnias, and
“ to Charidemus, the father of Theopompus; that his mother was
“ second cousin to Polemo; and that she often told him, that Phylomache, the mother of Eubulides, was sister of the whole blood to
“ Polemo,

“ Polemo, the father of Hagnias, and that the said Polemo never had a “ brother.” They admitted, we see, hearsay evidence even of particular facts, as it appears also from the speech on the estate of *Ciron*; and, when it was expedient to perpetuate the testimony of persons going abroad or likely to be detained by sickness, it was usual, in the presence of reputable witnesses, to take their depositions, which were called ἐκμαρτυρίαι, and might afterwards be read when the cause was ripe for a hearing. If a witness was summoned, he was obliged to attend the trial under pain of perpetual infamy; and, if he was really ignorant of the facts in question, the court permitted him to *abjure*, or swear that he knew nothing of the matter; but, if he would neither give evidence nor abjure, the law condemned him to pay a fine of above five-and-thirty pounds, a sum by no means inconsiderable in a country where money was extremely scarce: thus Hierocles protests his ignorance of a material fact in the cause concerning the estate of *Astyphilus*, where the sense directs us to read Ἐξωμοσία, or *abjuration*, instead of Μαρτυρία, or *evidence*, which he refused to give. I am persuaded, that objections were frequently made to the competence of witnesses; and, when they were received, many arguments were used and singular proofs adduced by the adverse party to affect their credibility: thus the seventh speech of Hæus closes with a violent attack upon Diocles, whom the orator accuses of the most atrocious crimes, and even produces evidence that he had been a dishonest guardian and an adulterer.

In the admission of evidence they seem to have indulged an extraordinary latitude; as in the first cause, on the revocation of a will, they heard proof of an opinion declared by the friends and relations of the devisees, that the property of Cleonymus ought to be divided among the contending parties; and many other singularities of this kind will be seen in the rest of the speeches: but we must never forget, that the δικάσαι were judges of fact, law, and equity, with ample powers of deciding

deciding according to the justice of every case; so that the parties were permitted in general to prove whatever tended to place them in a favourable light; and this accounts for the popular topics to the jury, which occur so often in Isæus, Demosthenes, and Lyfias, that their clients had contributed largely to defray the expenses of the state, had furnished galleys, served chargeable offices, given handsome entertainments, and lived parsimoniously in private, that they might act liberally in publick, while their adversaries either concealed their fortunes, or were remiss and penurious in their contributions; topics, which no advocate in his senses would urge before judges of the bench, but which seem well adapted to the constitution of the courts at Athens, where the democracy could never have flourished, unless all the citizens had vied with each other in supporting it; and, as in some states certain offenders are excluded from the protection of the law, so in a republick few offences can deserve that exclusion more justly than a want of zealous affection to the commonwealth. After all, we have no reason to regret, that, in private causes at least, an Englishman is sure to obtain justice, although he may not have paid his annual taxes with eagerness, or served the office of sheriff with great alacrity; and we may triumph in our elegant and philosophical theory of evidence, which Aristotle and Plato must have admired, and by the strict rules of which all trials in the world ought to be directed.

A few other particularities will be remarked in the speeches of Isæus; as, an appeal by Menexenus to the knowledge of the jurors themselves, concerning some transactions at a former trial; witnesses, who happened to be present, called upon to give evidence for Ciron's grandson; allusions by the brother of Aftyphilus to what was passing in court; the prosecutor openly interrogated by Theopompus at the beginning of his defence: most of these circumstances are inconsistent with set speeches composed by the orator and pronounced by the party; and one

would almost be tempted to conjecture, that the advocate himself spoke in the person and character of his client, if the story before cited from Plutarch and other authorities were not decisive of the contrary.

When the defendant had closed his speech (for I find no certain traces of any reply by the complainant) the jurymen gave their sentence by casting pellets or beans into the urns allotted to the parties, and, in cases of inheritances, every claimant in a distinct right had a separate urn, but a single one served for all those who claimed under the same title: the magistrate then counted the pellets, and declared the judgment; and here ended his ἡγεμονία, or *presidency* of the court; for he had no power to direct or influence the jury; and *Lysias* asks with some warmth, *What could be more disgraceful and abominable, than if the Archon, in causes concerning heiresses, should dare to solicit the judges, and desire them to find a verdict according to his pleasure?* This regulation deserves to be applauded, and would even be worthy of imitation, if the complex questions and nice points, which an *English* jury are often required to determine, did not make it absolutely necessary for them to receive light and assistance from the learning and experience of a judge.

If the complainant failed of success, he was amerced for his false claim, which amercement was usually a sixth part of the sum demanded: in all cases the unsuccessful party forfeited his deposit, and the fines and forfeits were speedily collected by the ταμίαι, or officers of the revenue, who paid them into the treasury, where some of them were appropriated for the payment of the jurymen, and the rest applied to the service of the publick.

To the courts at Athens appeals lay from the decisions of the standing *arbitrators*, of whom there were four hundred and forty in different parts of Attica, forty-four being drawn by lot from each of the ten tribes:

tribes: two of them commonly gave judgement in every cause; and we find, in the fragment against the burgeses of Erchia, that their tribunal was sometimes placed in the Delphinian temple of Apollo. As very little occurs in the following speeches concerning this court, it is needless to discourse at large on its origin and constitution; but we may observe, that its decrees must always be distinguished from the awards of arbitrators freely chosen by the parties themselves, and generally sworn to do justice, from which there was no appeal.

Before I conclude this prefatory part of my work, it will be proper to mention succinctly, that the people of Athens, who had the freedom of the city and governed the republick, were divided into ten tribes; that the tribes comprised a number of boroughs dispersed in various parts of Attica; that each borough was subdivided into wards, and each ward composed of distinct families. Every legitimate child, who was named on the tenth day after his birth, was presented, before his seventh or eighth year, to the citizens of his ward with many ceremonies, to which we find allusions in the following speeches: the time for presenting natural children was the festival, called Apaturia, which lasted four days in January; but adopted sons were admitted at the feasts of Thargelia in July, as we may collect from the speech on the estate of *Apollo-dorus*, where the reader will see a description of the forms usual on these occasions. If the members of the ward were satisfied of the child's legitimacy, and none of them removed from the altar the victim called *κρίον*, which was sacrificed in their presence and distributed among the company, the name of the new citizen was inscribed on their *common* register; but he was not a complete burges till the age of twenty years, when he was registered on the *publick* roll of his father's borough.

This will be a sufficient introduction to the works of the author, whom I now send abroad in an English dress: the four orders of Athenian

nian citizens, their military and religious institutions, their funeral rites, their celebrities in honour of Ceres and Proserpine, of Pallas and Prometheus, with their greater and less festivals of Bacchus, are known to all, who have received the slightest tincture of Grecian learning; but ISÆUS will give full satisfaction to those only, whose imagination can for a time transport them to his country, who can live in idea two thousand years ago, and read an Attick orator with the mind, and, as it were, the eyes of an Athenian; in the same manner as an astronomer, to borrow a comparison from the excellent writer on Hebrew poetry, supposes himself to become for a while an inhabitant of every planet, where he observes its peculiar qualities, and its situation with respect to others, measures their distances, compares their motions, and forms a distinct view of the whole universe.

ATTICK

ATTICK LAWS.

I.

WHEN A WOMAN, IN ORDER TO ENJOY THE RIGHTS OF A LAWFUL WIFE, HAS BEEN DULY BETROTHED BY HER FATHER, OR HER BROTHER BY THE SAME FATHER, OR HER PATERNAL GRANDSIRE, HER CHILDREN BORN IN WEDLOCK ARE LEGITIMATE. IF NONE OF THOSE RELATIONS BE LIVING, AND SHE BE AN HEIRESS, LET HER NEAREST KINSMAN MARRY HER; BUT, IF SHE HAVE NO KINSMAN ENTITLED TO CLAIM HER, LET HIM, WHO SHALL BE APPOINTED HER GUARDIAN, GIVE HER IN MARRIAGE.

II.

THE LEGITIMATE SONS OF HEIRESSSES SHALL ENTER UPON THEIR ESTATES AT THE AGE OF SIXTEEN YEARS, AND SHALL ALLOW THEIR MOTHERS A SUITABLE MAINTENANCE.

III.

IF THE NEAREST KINSMAN OF A WOMAN WITHOUT AN ESTATE REFUSE TO MARRY HER, HE SHALL GIVE HER IN MARRIAGE WITH A PORTION OF FIVE MINAS, IF HE BELONG TO THE FIRST ORDER OF CITIZENS, OR OF THREE, IF HE BELONG TO THE SECOND, OR OF A MINA AND A HALF, IF HE BE OF THE THIRD CLASS. IF SHE HAVE MANY KINSMEN IN THE SAME DEGREE, THEY SHALL SEVERALLY CONTRIBUTE TO HER PORTION; AND IF THERE BE MANY SUCH WOMEN, EACH OF THEIR KINSMEN SHALL BE OBLIGED TO MARRY OR TO GIVE IN MARRIAGE ONE OF THEM ONLY. IF THE NEXT OF KIN WILL NEITHER MARRY THEM NOR GIVE THEM IN MARRIAGE, THE ARCHON SHALL COMPEL THEM TO DO EITHER ONE OR THE OTHER; AND, IF HE NEGLECT THIS DUTY, HE SHALL FORFEIT TEN MINAS TO THE TEMPLE OF JUNO. ANY CITIZEN MAY PREFER A COMPLAINT BEFORE THE ARCHON AGAINST SUCH AS DISOBEY THIS LAW.

IV.

IV.

LET THE ARCHON TAKE CARE OF ORPHANS AND HEIRESSSES, OF DESOLATE HERITAGES, AND OF WOMEN, WHO, ALLEDGING THAT THEY ARE ENCEINT, REMAIN IN THE HOUSES OF THEIR DECEASED HUSBANDS: LET HIM NOT SUFFER THEM TO BE INSULTED OR INJURIOUSLY TREATED. IF ANY ONE SHOULD INJURE THEM, LET HIM IMPOSE A FINE WITHIN THE LIMITS OF HIS AUTHORITY; AND, IF THE OFFENDER SHOULD SEEM DESERVING OF A HEAVIER PUNISHMENT, LET THE ARCHON SUMMON HIM TO APPEAR WITHIN FIVE DAYS, AND, LAYING THE DAMAGES AT SUCH A SUM AS HE THINKS PROPER, LET HIM BRING HIM TO A TRIAL IN THE COURT OF HELIÆA, WHERE, IF HE BE FOUND GUILTY, LET THE JURY INFLICT SUCH A CORPORAL PAIN, OR SET SUCH A FINE, AS HE SHALL DESERVE.

V.

IF A HUSBAND REPUDIATE HIS WIFE, HE SHALL RETURN HER PORTION, OR PAY INTEREST FOR IT AT THE RATE OF NINE OBOLUS'S A MONTH FOR EVERY MINA. HER NEXT OF KIN, UNDER WHOSE PROTECTION SHE IS, MAY SUE FOR HER PORTION OR HER ALIMONY BEFORE THE ARCHON IN THE ODEUM.

VI.

ALL GENUINE UNADOPTED CITIZENS MAY DEVISE THEIR ESTATES AS THEY THINK FIT, PROVIDED THAT THEY HAVE NO LEGITIMATE CHILDREN, AND BE NOT DISABLED BY LUNACY OR AGE, OR POISON OR DISEASE, NOR INFLUENCED BY WOMEN, SO AS TO HAVE LOST THEIR REASON FROM ANY OF THESE CAUSES, NOR BE UNDER ANY DURESS OR CONFINEMENT.

VII.

THE WILLS OF SUCH AS HAVE LEGITIMATE SONS SHALL STAND GOOD, IF THOSE SONS DIE BEFORE THEIR AGE OF SIXTEEN YEARS.

VIII.

IF A MAN HAVE LEGITIMATE DAUGHTERS, HE MAY DEVISE HIS ESTATE AS HE PLEASES, ON CONDITION THAT THE DEVISEES TAKE THEM IN MARRIAGE.

IX.

INFANTS AND WOMEN SHALL NOT TRANSFER OR DEVISE MORE THAN THE VALUE OF A BUSHEL OF BARLEY.

X.

X.

ADOPTED SONS SHALL NOT DEVISE THE PROPERTY ACQUIRED BY ADOPTION; BUT, IF THEY LEAVE LEGITIMATE SONS, THEY MAY RETURN TO THEIR NATURAL FAMILY. IF THEY DO NOT RETURN, THE ESTATES SHALL GO TO THE HEIRS OF THE PERSONS WHO ADOPTED THEM.

XI.

THE ADOPTED SON AND THE AFTER BORN SONS OF THE PERSON WHO ADOPTED HIM, SHALL BE COHEIRS OF THE ESTATE; BUT NO ADOPTION BY A MAN, WHO HAS LEGITIMATE SONS THEN BORN, SHALL BE VALID.

XII.

IF A CITIZEN DIE INTESTATE AND LEAVE DAUGHTERS, THE NEAREST KINSMEN WHO MARRY THEM SHALL INHERIT THE ESTATE: BUT, IF HE DIE CHILDLESS, HIS BROTHERS BY THE SAME FATHER SHALL BE HIS HEIRS, AND THE LEGITIMATE SONS OF THOSE BROTHERS SHALL SUCCEED TO THE SHARE OF THEIR FATHERS. IF THERE BE NO BROTHERS, THE SISTERS ON THE FATHER'S SIDE, AND THEIR CHILDREN, SHALL INHERIT. ON FAILURE OF SISTERS AND NEPHEWS, THE COUSINS ON THE FATHER'S SIDE SHALL BE HEIRS IN THE SAME MANNER; BUT MALES AND THE CHILDREN OF MALES SHALL BE PREFERRED, ALTHOUGH IN A REMOTER DEGREE, PROVIDED THAT THEY BELONG TO THE SAME BRANCH. IF THERE BE NO KINSMAN ON THE FATHER'S SIDE SO NEAR AS THE SECOND COUSINS, THEN LET THOSE ON THE MOTHER'S SIDE SUCCEED TO THE ESTATE IN THE SAME ORDER. SHOULD THERE BE NO MATERNAL KINSMEN WITHIN THE DEGREE ABOVE LIMITED, THE NEXT PATERNAL KINSMEN SHALL BE THE HEIRS.

XIII.

NO MALE OR FEMALE BASTARD, BORN AFTER THE ARCHONSHIP OF EUCLID, SHALL SUCCEED EITHER TO SACRED OR CIVIL RIGHTS.

XIV.

INHERITANCES AND HEIRESSES MAY BE CLAIMED EVERY MONTH IN THE YEAR EXCEPT AUGUST, AND NO DEVISEE SHALL POSSESS AN ESTATE EXCEPT BY AN ADJUDICATION OF THE COURT.

XV.

IF ANY MAN SHALL CONTROVERT THE TITLE OF ANOTHER, TO WHOM AN INHERITANCE OR AN HEIRESS HAS BEEN ADJUDGED, LET HIM CITE HIS ADVERSARY BEFORE THE ARCHON, AS IN OTHER CAUSES. THE DEMANDANTS SHALL DEPOSIT A STATED SUM AS A PLEDGE OF PROSECUTION,

PROSECUTION, AND, IF THERE BE NO CITATION, THE JUDGEMENT SHALL BE REVERSED. IF THE PERSON, TO WHOM THE ESTATE WAS ADJUDGED, BE DEAD, HIS HEIR MAY BE IMPLEADED IN THE SAME FORM, PROVIDED THAT THE LIMITED TIME BE NOT EXPIRED. LET THE SUIT PROCEED BEFORE THE ARCHON IN THE SAME MANNER AS THE CLAIM WAS AT FIRST MADE BY THE POSSESSOR OF THE INHERITANCE IN DISPUTE.

NOTE.

The Athenians made no difference between the transmission of real and personal property: in these laws, therefore, and in the following speeches, the words *devise*, *heir*, *inheritance*, and the like, are applied both to lands and to goods, without being restrained to the peculiar sense in which we use them.

XIII.

NO MALE OR FEMALE BASTARD, BORN AFTER THE DECEASE OF HIS FATHER, SHALL SUCCEED HIM IN HIS ESTATE, NOR SHALL HE BE ADOPTED BY ANY OTHER PERSON.

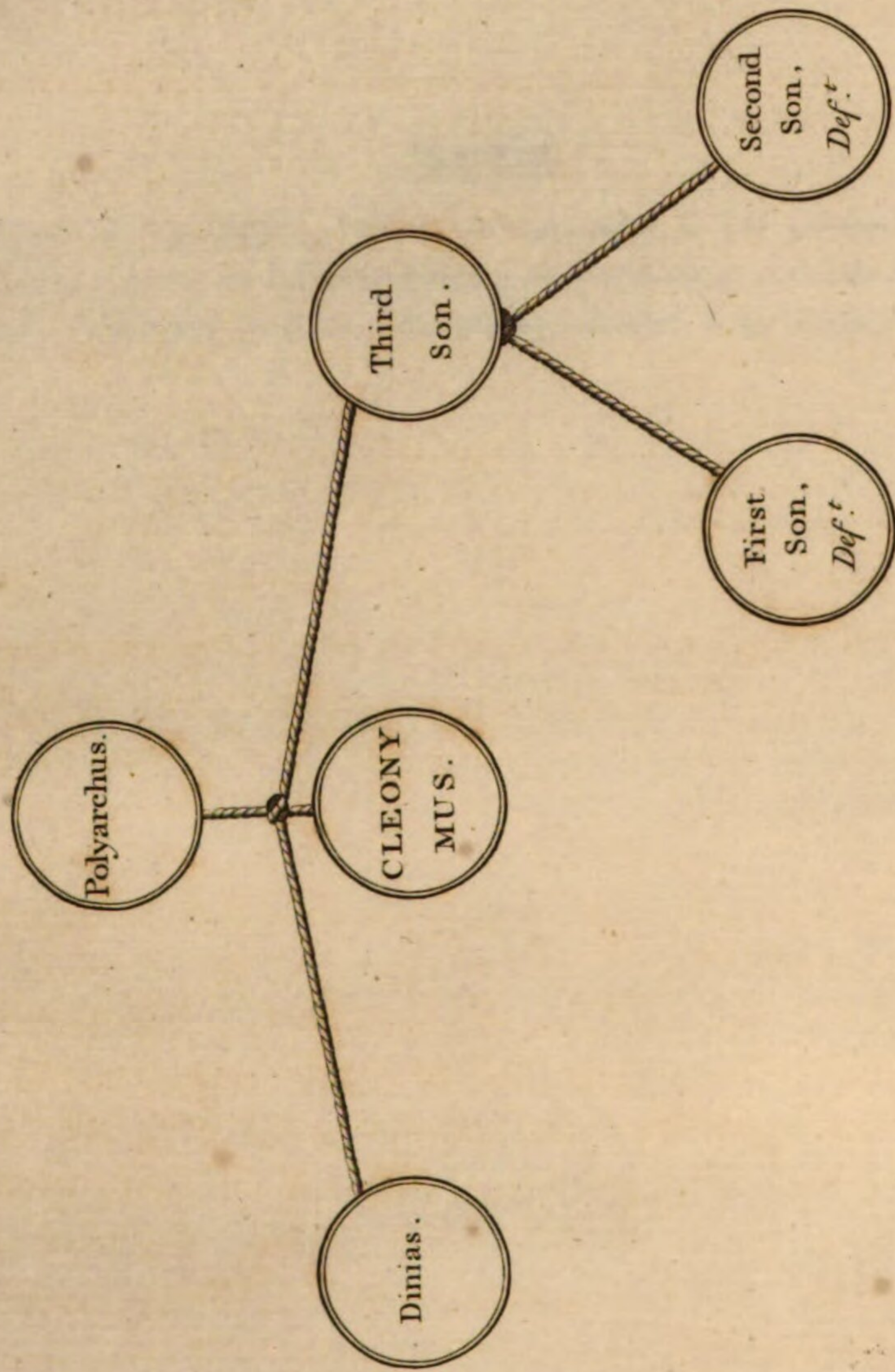
XIV.

IF ANY MAN SHALL CONTROVERT THE TITLE OF ANOTHER, TO WHOM AN INHERITANCE OR AN HEIR HAS BEEN ADJUDGED, LET HIM CITE HIS ADVERSARY BEFORE THE ARCHON, AND NO REVERSE SHALL PASS AN ESTATE EXCEPT BY THE ADJUDICATION OF THE COURT.

XV.

IF ANY MAN SHALL CONTROVERT THE TITLE OF ANOTHER, TO WHOM AN INHERITANCE OR AN HEIR HAS BEEN ADJUDGED, LET HIM CITE HIS ADVERSARY BEFORE THE ARCHON, AND NO REVERSE SHALL PASS AN ESTATE EXCEPT BY THE ADJUDICATION OF THE COURT.

THE



THE
SPEECHES OF ISÆUS.

SPEECH THE FIRST.
ON THE ESTATE OF CLEONYMUS.

THE ARGUMENT.

POLYARCHUS left three sons, Cleonymus, Dinias, and the father of those, for whom Isæus composed the following speech. The third son dying, his children were committed to the guardianship of Dinias. These young men were heirs to Cleonymus by the laws of Athens, and their grandfather had appointed them successors to their uncle, if he should die childless. Cleonymus had, however, a power to dispose of his property; and, in a fit of anger against his brother Dinias for some real or imagined wrong, had made a will in favour of two remoter kinsmen, Diocles and Posidippus; which, according to the custom of the Athenians, he had deposited with one of the magistrates: but, after the death of Dinias, he took his nephews under his care, and determined to cancel the will, by which they were disinherited. With this intent he sent for the magistrate, who kept the testament, but died unexpectedly before an actual revocation of it. His nephews then entered upon his estate, as heirs at law; and the other claimants produced the will; which, as Isæus contends in the person of his clients, was virtually revoked by Cleonymus.

SPEECH THE FIRST.

The Grandsons of Polyarchus against Posidippus and Diocles.

GREAT has been the change, which our fortunes have undergone by the decease of Cleonymus ; who, when he was alive, intended to leave us his estate, but has exposed us by his death to the danger of losing it: and with so modest a reserve, judges, were we bred under his care, that not even as hearers had we at any time entered a court of justice, but now we come hither to defend our whole property ; for our adversaries dispute our right not only to the possessions of the deceased, but also to our paternal inheritance, of which they boldly assert that he was a creditor. Their own friends, indeed, and relations think it just, that we should have an equal share even of those effects which Cleonymus confessedly left them ; but our opponents themselves have advanced to such a height of impudence, that they seek to deprive us even of our patrimony ; not ignorant, judges, of what is right and equitable, but conceiving us to be wholly defenceless against their attacks.

Consider then on what grounds the parties, who come before you, respectively rest their claims : these men rely on a will, which our uncle, who imputed no blame to us, made in resentment against one of our relations, but virtually cancelled before his death, having sent Posidippus to the magistrate, for the purpose of solemnly revoking it ; but we, who were his nearest kinsmen, and most intimately connected with him, derive a clear title, both from the laws, which have established our right of succession, and from Cleonymus himself, whose intention was founded on the friendship subsisting between us ; not to urge, that his father, and our grandfather, Polyarchus, had appointed us to succeed him,

him, if he should die without children: such and so just being our claim, these associates, who are nearly related to us, and who have no colour of justice on their side, are not ashamed of contesting our title to an estate, about which it would be disgraceful for mere strangers to contend. Nor do we seem, judges, in this cause to have the same dispositions towards each other; for I do not consider it as the greatest of my present misfortunes to be unjustly disturbed with litigation, but to be attacked by those, whom it would be improper even to repel with any degree of violence; nor should I think it a lighter calamity to injure my relations in my own defence, than to be injured myself by their unprovoked assault: but they, judges, have different sentiments, and appear against us with a formidable array of friends, whom they have summoned, and advocates, whom they have retained; leaving behind them no part of their forces, as if they were going to inflict vengeance on open enemies, and not to wrong those whom they were bound by every natural and social tie to assist. Their shameless audacity and fordid avarice will be more clearly perceived by you, when you have heard the whole case, which I shall begin to relate from that part, whence you will soonest and most easily learn the state of our controversy.

Dinias, our father's brother, was our guardian, he being our elder uncle, and we, orphans; at which time, judges, a violent enmity subsisted between him and Cleonymus: whether of the two had been the cause of the diffension, it is not, perhaps, my business to determine; but so far at least I may pronounce them both deservedly culpable, that, having till then been friends, and no just pretext arising for a breach of their friendship, they so hastily became enemies on account of some idle words. Now Cleonymus himself, when he recovered from that illness, in which he made his will, declared, that he wrote it in anger; not blaming us, but fearing, lest at his death he should leave us under age, and lest Dinias our guardian should have the management
of

of our estate; for he could not support the pain of thinking, that his property would be possessed during our infancy, and that sacred rites would be performed at his sepulchre, by one, whom of all his relations he most hated, while he lived: with these sentiments (whether laudable or not, I leave undecided), he made a disposition of his fortune; and, when Dinias, immediately after, asked him publicly, whether we or our father had incurred his displeasure, he answered, in the presence of many citizens, that he charged *us* with no fault whatever, but made the will in resentment against *him*, and not from any other motive: how indeed, judges, could he have determined, if he preserved his senses, to injure us, who had given him no cause of complaint?

But his subsequent conduct will afford the strongest proof, that by doing this he had no intention of wronging us; for, when Dinias was dead, and our affairs were in a distressed condition, he was so far from neglecting us, or suffering us to want necessaries, that he bred us in his own house, whither he himself had conducted us, and saved our patrimony from unjust creditors, who sought insidiously to deprive us of it; nor were our concerns less attentively managed by him than his own: from these acts, therefore, rather than from his written testament, it is proper to collect his intention towards us; and not to be biased by what he did through anger, by which all of us are liable to be hurried into faults, but to admit the clear evidence of those facts, which afterwards explained his design. Still farther: in his last hours he manifested the affection, which he bore us; for, being confined by the disorder of which he died, he was desirous of revoking his will, and with that intent ordered Posidippus to bring the officer who had the care of it; which order he not only disobeyed, but even refused admittance to one of the magistrates, who came by chance to the door: Cleonymus, enraged at this, gave the same command on the next day to Diocles; but, though he seemed not dangerously ill, and we had great hopes of his recovery, he suddenly expired that very night.

First

First then, I will prove by witnesses, that he made this will, not from any dislike to us, but from a settled aversion to Dinias; next, that, when Dinias was no more, he superintended all our affairs, and gave us an education in his house, to which he had removed us; and thirdly, that he sent Posidippus for the magistrate, who was so far from obeying the order, that, when one of the proper officers came to the door, he refused to introduce him. Call those who will prove the truth of my assertion. WITNESSES. Call likewise those, who will swear, that Cephisander and the other friends of our adversaries were of opinion, that the whole estate should be divided, and that we should have a third part of all, which Cleonymus possessed. WITNESSES.

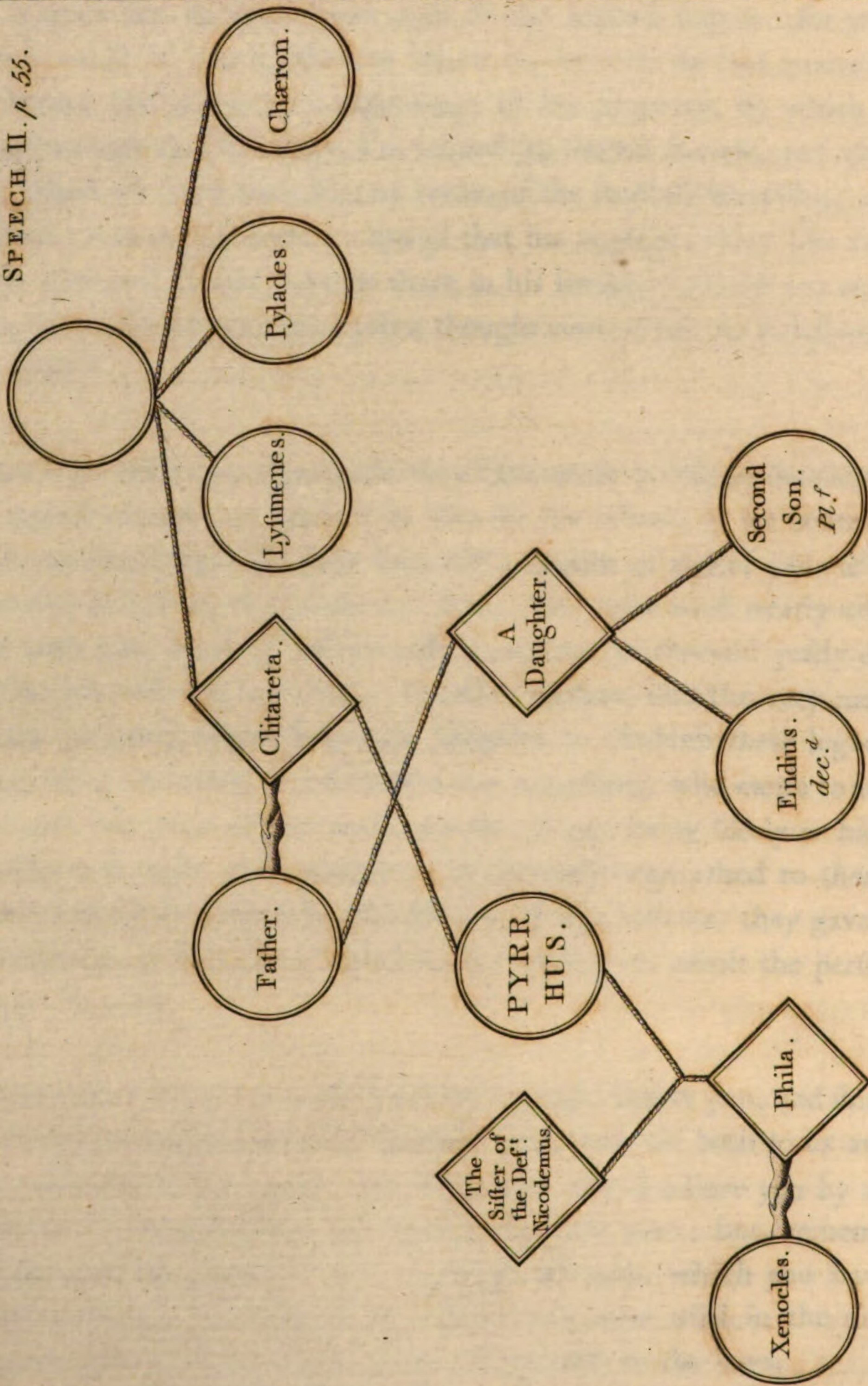
Now it seems to me, judges, that all those who contend for the right of succession to estates, when, like us, they have shown themselves to be both nearest in blood to the person deceased, and most connected with him in friendship, may be excused from adding a superfluity of other arguments: but since men, who have neither of those claims, have the boldness to dispute with us for that which is legally ours, and to set up a fictitious title, I am willing in a few words to give them an answer. They ground their pretensions on this will, and admit that Cleonymus sent for the magistrate; not, say they, with an intent to cancel it, but with a resolution to correct it, and to secure the legacy more strongly in their favour: now consider, whether it be more probable, that our uncle should wish to recall a will made in anger, at a time when he was most intimate with us, or should meditate by what means he might be surest to deprive us of his inheritance. Other men, indeed, usually repent at length of the wrongs, which they have done their friends in their passion; but our opponents would convince you, that, when he showed the warmest regard for us, he was most desirous of establishing the will, which, through resentment against our guardian, he had made to our disadvantage: so that, even should we confess this idle fiction, and should you persuade yourselves to believe it, you must

must suppose him to have been mad in the highest degree ; for what madness could be greater than to injure us, because he had quarrelled with Dinias, and to make a disposition of his property, by which he took no revenge on his enemy, but ruined his dearest friends, and afterwards, when we lived with him on terms of the strictest friendship, and he valued us above all men, to intend that his nephews alone (for such is their assertion) should have no share in his fortune ? Could any man, judges, in his senses entertain such a thought concerning the distribution of his estate ?

Thus from their own arguments they have made it easy to decide the cause against themselves ; since if he sent for the officer, as we contend, in order to cancel the will, they have not a shadow of right ; and, if he was so void of reason, as to regard us least, who were most nearly connected with him both by nature and friendship, you would justly decree, that his will was not valid. Consider farther, that the very men, who now pretend, that Cleonymus designed to establish their legacy, durst not obey his order, but dismissed the magistrate, who came to the house ; and thus, one of two most opposite things being likely to happen, either a stronger confirmation of the interest bequeathed to them, or a total loss of all interest in the fortune of the testator, they gave a plain indication of what they expected, by refusing to admit the person who kept the will.

To conclude : since this cause has been brought before you, and since you have power to determine the contest, give your aid both to us and to him, who lies in the grave ; and suffer him not, I adjure you by all the gods, to be thus despised and insulted by these men ; but, remembering the law, by which you are to judge, the oath, which you have solemnly taken, and the arguments, which have been used in the dispute, give a just and pious judgement, conformably to the laws.

SPEECH



SPEECH THE SECOND.

ON THE ESTATE OF PYRRHUS.

THE ARGUMENT.

PYRRHUS left his estate to Endius, one of his sister's sons, whom he had adopted; and his nephew continued in possession of it above twenty years; but when, after his death, his mother claimed the inheritance as her brother's heiress, one Xenocles, who had married Phila, a natural daughter of Pyrrhus by the sister of Nicodemus, entered a protestation, that Pyrrhus had a legitimate daughter, and was consequently disabled from disposing of his estate to an adopted son. Xenocles lost the cause; but, Nicodemus having sworn at the trial, that he had betrothed his sister to Pyrrhus as a lawful wife, and that Phila was born after their nuptials, the brother of Endius prosecutes Nicodemus for wilful perjury, insisting that Phila was illegitimate and actually given in marriage to Xenocles as the bastard of Pyrrhus.

SPEECH

SPEECH THE SECOND.

The Brother of Endius against Nicodemus.

PYRRHUS, my maternal uncle, judges, having no legitimate children, adopted my brother Endius, who succeeded to his fortune, and continued in possession of it above twenty years; in which long interval not a single man ever pretended to controvert his title, or to dispute the validity of his adoption: but, last year, on the death of my brother, this Phila, who had suffered him to enjoy the estate without interruption, asserted, that she was the legitimate daughter of my uncle; and her husband Xenocles the Cyprian entered a claim in her right to the effects of Pyrrhus, who had so long been dead, alledging in his bill of complaint, that he died possessed of three talents; and, when my mother insisted on the superiority of our claim, he had the confidence to protest, that she had no title to the estate, because Pyrrhus, to whom it originally belonged, had left a daughter born in wedlock: we traversed this protestation; and, having brought before the court the person who ventured to make it, we clearly convicted him of having sworn falsely, and proved his confederate Nicodemus to be the most impudent of men in supporting the other's testimony, and daring to assert upon oath, before the same judges, that he had betrothed his own sister to my uncle, and that she became his lawful wife. Now that this man's evidence at the former trial was false, the conviction of Xenocles undeniably demonstrates; for, if Nicodemus had not then been thought perjured, it is clear, that his associate would have succeeded in his protestation; that the legitimacy of this woman would have been established; and that she, not my mother, would have been declared my uncle's heiress: but, since the principal actor in the cause was convicted
of

of perjury, and the pretended daughter of Pyrrhus desisted from her claim, Nicodemus was at the same time necessarily found guilty of giving false evidence; for he swore to the truth of the same proposition, and they were both examined to the same point, namely, whether the woman, in whose right Xenocles claimed, was my uncle's daughter by a wife or by a harlot: this was the single issue between us, as you will perceive by hearing our cross-depositions, the evidence of Nicodemus, and the protestation, which was over-ruled. Take and read them to the court. CROSS-DEPOSITIONS. EVIDENCE. PROTESTATION.

That the man, whom I now accuse, was immediately thought guilty of perjury, was apparent to all who attended the trial; but it will be proper, that his guilt be proved before you also, judges, who are assembled to decide the same question.

I desire first to ask this witness himself, what fortune he gave with his sister to a man worth three talents; whether this betrothed wife left her husband, whilst he was alive, or departed from his house after his death; from whom he received his sister's portion, when Pyrrhus was dead, to whom he has sworn that he had given her in marriage; or, if it was not restored to him, what action he thought proper to institute, for her maintenance or her fortune, against one, who has been twenty years in possession of the inheritance; or whether, in so long a period, he once demanded the portion from the heir in any man's presence? On the following points too I should be glad to interrogate him; why nothing of what I have just mentioned has been done for a widow, who, as he swore, was lawfully married; and, whether she had been betrothed to any other man, either of those, who were formerly connected with her, before she knew my uncle, or of those whom she admitted to her favours, while she lived with him, or of those, who have been intimate with her since his decease? for it is notorious, that her brother gave her on the same terms to many others, who kept her as a mistress, and

whom if it were necessary to enumerate, it would give me no small trouble: some of them I will mention, if you command me; but, if it be as unpleasant to you to hear such tales, as it is disagreeable to me to relate them, I will be contented with producing the very evidence given at the former trial, no part of which they have ventured to contradict; yet, when they admit (as they have in fact admitted, by not attempting to impeach the testimony of our witnesses) that this woman was a common harlot, how can it be conceived, that she was legally betrothed to Pyrrhus? You will be convinced, when you have heard the depositions, both that Nicodemus has sworn what was apparently false, and that the judges gave a proper and legal sentence, when they decreed, that the succession could not belong to the daughter of a woman not lawfully married. Read the depositions, and let the water-glass be stopped. DEPOSITIONS. That the mother of this Phila was common to all who chose to be connected with her, and was not the betrothed wife of my uncle, as Nicodemus had the boldness to swear, has been proved to you by the other kinsmen and neighbours of Pyrrhus, who tell you of the quarrels, riotous feasts, and continual disorders on her account, while she lived with him; but no man presumes to revel at the houses of married women, who never accompany even their husbands to publick entertainments, nor think it consistent with decency to sit at table with strangers, especially with the first who present themselves; yet they have not attempted to invalidate this evidence: now to show that I repeat it fairly, read once more the depositions of the neighbours, together with those of the other witnesses concerning her numerous train of lovers, which will satisfy the court, that she was a common prostitute, and never was the mother of a legitimate child. DEPOSITIONS.

From all this evidence, which you will carry in your memory, it is apparent, that the sister of Nicodemus, whom he swore that he gave in marriage to my uncle, might have been any man's mistress, but was
never

never betrothed to any, nor ever supported the character of a matron : let us now consider the circumstances, from which it may be thought possible, that Pyrrhus really married so abandoned a woman, if we can suppose him capable of such indiscretion (for it sometimes happens indeed, that young men, inflamed with the love of a harlot, and actuated by intemperate passion, are induced by their folly to ruin themselves by such a marriage); and how can these circumstances be more clearly known, than by recollecting the testimony of their own witnesses in the original cause, and by examining the probability of the whole transaction? Reflect a moment on the impudence of their assertion: this Nicodemus, when he was going, as he says, to betroth his own sister into a family worth three talents, pretends that he carried with him, on such an occasion, one witness only, named Pyretides, whose deposition they produced at the trial of the cause; a deposition, which Pyretides himself disclaimed; and he still denies, that he gave any such evidence, or knows any thing of the matter. In confirmation of this, I will mention a convincing argument, that the deposition produced by them was forged; for you all know, that when we are going to do any publick and deliberate act, which must be witnessed, we take with us our nearest relations and most intimate friends, in order to have the benefit of their attestation; but in private acts, which are often done on a sudden, we are contented with such witnesses, as happen to be near at hand; and, when afterwards their evidence becomes necessary, we must call those, whoever they are, that were present at the time of the act; but when we procure the testimony of a witness, whom sickness prevents from giving it publickly, or of one who is going abroad, we desire the presence of the most reputable citizens, and of those whom we best know, not of one or of two, but of as many as we can assemble, to preclude the deponent at any future time from the power of denying his deposition, and to give his evidence more weight with you, judges, by confirming it with the attestation of many honest men: thus, when

Xenocles

Xenocles went to Thebes, with an intention to eject our servants from the mines, which had been left us, he thought it not sufficient to call any persons, who happened to be there, as witnesses of that ouster, but he carried with him Diophantus of Sphettus, who was his advocate in the original cause, and Dorotheus of Eleufis, together with his brother Philochares, and many others, whom he had collected at Athens, and who travelled for that purpose full three hundred furlongs; yet, when he was going, as he says, to take a deposition in this very city concerning the marriage of his wife's mother, on which her legitimacy depended, he called together none of his friends, but only Dionysius of Erchia and Aristolochus of Æthalia; in the presence of whom it is asserted that the deposition was taken in the heart of Athens. Such are the pretences of these impostors, none of which can find credit with any discerning man! The act, which they say Pyretides attested, was frivolous, to be sure, and of a trifling nature; so that their negligence in this affair was not singular. How! was not that act to have determined the very point, on which Xenocles was tried for perjury, whether his wife was the daughter of Pyrrhus, by a married woman, or by a harlot? Would he not, if such a marriage had really been contracted, have assembled all his friends for the purpose of attesting it? Most assuredly he would, if their story had not been a fiction; but Xenocles omitted this necessary precaution, and took only two persons, whom he accidentally met, to be present at a deposition of such importance; and this Nicodemus himself pretends, that when he gave his sister in marriage to a man of so considerable a fortune, he carried with him no witness but Pyretides, who absolutely denies the fact. Lyfimenēs, indeed, asserts that he was invited to the marriage, together with his brothers, Chæron and Pylades; and these three were the uncles of the man, who was going to form so debasing an alliance: but you will consider, whether this be credible; for, to reason from probabilities, I should imagine, that Pyrrhus would rather have kept the transaction

transaction secret from all his relations, if he meditated a contract so disgraceful to his family, than have called his own uncles to be witnesses of their disgrace. This also fills me with surprize, that there was no agreement concerning a portion either on the one side or on the other; for, if Nicodemus gave his sister a fortune, it is to be supposed, that those, who pretend to have been present, would have recollected the sum given; or, if our uncle was so enslaved by his passions, as to marry a common prostitute, her brother would have been still more solicitous to procure evidence of his giving money with her, and would have assembled a number of witnesses, that Pyrrhus might not have it in his power to discard her, when he pleased; for none of you are ignorant, that the inclinations of men impelled by their desires are very changeable: yet this fellow swears, that he gave his sister in marriage to so rich a man before one witness only on his part, and without any acknowledgement of a portion; and the uncles assert, that they were present, when their nephew agreed to marry this harlot without a fortune.

These very uncles too have sworn, that they were invited by Pyrrhus to an entertainment, which he gave on the tenth day after the birth of his daughter: and here I cannot suppress the vehemence of my indignation, when I see, that Xenocles, who claims the patrimony of his wife, has called her in his bill of complaint by the name of Phila, while the uncles of Pyrrhus, who swear that they were present on the tenth day, have declared, that her father gave her the name of her grandmother Clitaretæ. It is astonishing, that a man, who has now been married above eight years, should not know the true name of his own wife; that he could not have learned it before from his own witnesses; that neither his wife's mother, nor her uncle Nicodemus, should in so long a period have informed him of it; but that, instead of her grandmother's name (if that name was in fact given her by Pyrrhus) he should insert the name of Phila in the very bill, by which he demands
her

her paternal inheritance. What could be his motive? Could a husband mean to deprive his wife of her grandmother's name, which her father gave, and which might be urged as a proof of her legitimacy? Is it not apparent, judges, that these pretended transactions, which, as they swear, happened so long ago, were invented by our adversaries long since the beginning of this suit? They manifestly were: for it is not possible, that these men, who say they were invited on the tenth day after the birth of this girl, the daughter of Pyrrhus and niece of Nicodemus, should remember so accurately from that day, whenever it was, to this, and should swear in court so positively, that her father named her Clitaretta, yet that her nearest relations, her father himself, her uncle, and her mother, should not know the name of their own child: they must have known and used it, if the fact had been true; but of this I shall again have occasion to speak.

As to the testimony of Nicodemus, it is easy to perceive from the laws themselves, that he was apparently guilty of perjury; for, since, when a man gives a female relation in marriage with a sum of money by way of free gift and not as a portion, for which an equivalent must be settled, he cannot legally require that money to be given back, if either the wife should leave the husband, or the husband dismiss the wife, whoever asserts that he has betrothed his own sister without a security for her portion, must necessarily appear a most daring impostor: for what would such an alliance avail him, if the man to whom he was allied might repudiate his wife, whenever he chose, without inconvenience? Yet such would have been her condition, judges, had there been no stipulation concerning her fortune. Would Nicodemus have engaged his sister to our uncle upon these precarious terms, especially when he knew that she had never borne a child in so long a course of prostitution, and that the stipulated portion would by law return to him, if she should die childless? Can any of you, judges, believe, that

Nicodemus

Nicodemus is so negligent of lucre, as to let slip one of these advantages? I cannot think it probable: And is this the man, whose sister our uncle chose to marry? A man, who in an action brought against him as an intruder by one of the ward, of which he pretended to be a member, obtained indeed a sentence in his favour, but was adjudged a freeman of the city by a majority of four votes only? Read this deposition, in proof of what I have alledged. DEPOSITION. Yet this very man, who was perfectly well apprized of the law, by which he would have been entitled to his sister's fortune, had she died without children, has ventured to swear, that he gave her in marriage to our uncle, without agreeing with him for her portion. Read the laws, to which I allude. THE LAWS. Can you, I say again, believe that Nicodemus, if there had been any such marriage, would have been so stupidly neglectful of his interest, as not to provide for his own advantage with a scrupulous attention? No, by heaven, it seems impossible, for even those, who give women to others, as their mistresses, with a sum of money, take care previously to bargain for the benefits, which those women are afterwards to enjoy: and was Nicodemus contented with the ceremony of betrothing his sister according to the forms of law, without bestowing a thought upon any thing else? Nicodemus, who, for the paltry fees, which he hopes to scrape together for speaking sometimes before you, makes no scruple of acting with shameless dishonesty? His infamous conduct, indeed, most of you well know, without being reminded of it; and I am desirous of proceeding to another argument, which will demonstrate the abominable impudence of his assertions. Tell me, Nicodemus, how came it, that if you really gave your sister in marriage to Pyrrhus, and if you knew that she had left a legitimate daughter, you nevertheless permitted our brother Endius to claim and obtain the inheritance, without regarding our uncle's daughter, who was born, as you alledge, in lawful wedlock? Could you be ignorant, that, by his allowed claim of the succession, your niece was

bastardized?

bastardized? For, whenever an adopted son sets up a title to an estate and obtains a decree in his favour, he proves the daughter of the deceased to have been illegitimate; as her father Pyrrhus, indeed, had done long before, by adopting my brother as his own son; for no man, who has daughters lawfully begotten, can either devise his estate from them, or aliene any part of it to their disadvantage: this you will clearly understand, judges, when the laws themselves have been read to you. **THE LAWS.** Does it seem probable then, that, if Nicodemus did betroth his sister, as he has most confidently sworn, he would have suffered my brother Endius to claim the inheritance, without setting up the adverse title of his own niece, and without entering a protestation, that Endius had no right to her patrimony? Now that our brother not only claimed this estate, but had his claim judicially allowed, and that without opposition, this piece of evidence will convince you. **DEPOSITION.** When, therefore, Endius instituted a suit for his inheritance, Nicodemus neither durst dispute his title, nor thought proper to protest, that Pyrrhus left a legitimate daughter, who was his niece: he will invent, I suppose, some silly pretext for this conduct, and will pretend either that he was unapprized of our proceeding, or that our allegations are false; but the first is impossible, and the second we have disproved: let us proceed to another topick.

When our brother gave your niece in marriage to Xenocles, would you, Nicodemus, have suffered a girl, whom Pyrrhus lawfully begot, to be given away as the daughter of his mistress? Would you not have informed the Archon, that she, being an heiress, was grossly injured by an adopted son, and deprived of her paternal estate? especially as these informations alone may be made without danger to the informant, since any man, who pleases, may sue on behalf of an heiress, and the complainants in such causes are never amerced, even though the court unanimously decide against them; nor are they obliged, like other
suits,

suitors, to deposit money as a pledge of supporting their complaint; but the prosecutors may proceed without inconvenience, while the defendants, if they are convicted, seldom fail to suffer an exemplary punishment. If then, judges, the niece of Nicodemus had been really legitimate, would he patiently have seen her disposed of in such a manner, and not have informed the magistrate that an heiress was thus insulted by a man, who had given her away as a bastard? No: if that, which you have now so audaciously sworn, had been true, you would instantly have taken your revenge of Endius, who had injured your niece; unless you pretend, that you were ignorant of this fact also. What! did not you perceive from the very portion which Xenocles took with her, that she was rejected as illegitimate? This alone should have excited your resentment, and induced you to lay an information against Endius, for claiming (as he did justly claim) an inheritance of three talents, and for giving a legitimate daughter of the deceased in marriage to a stranger, with no greater portion than ten minas.—Would not this have raised his indignation? Would he not have complained to the magistrate? He would most certainly, had the marriage been true: nor can I persuade myself, that either Endius, or any other adopted son, would have been so absurdly regardless of the laws, as to give a legitimate daughter of his father in marriage to another, instead of marrying her himself; for he could not but perfectly know, that the children of such a daughter would inherit their grandfather's estate; and would any man apprized of this law give his property away to another, especially so large a fortune as these confederates have claimed? Can any of you imagine, that an adopted son would be so outrageously daring, as to betroth such a daughter, without giving her so much as the tenth part of her own patrimony? Can you imagine, that, when this affair was in agitation, her uncle, who has sworn that he gave her to Pyrrhus, would have endured such an insult? I cannot believe it—no: he would have contended for the succession; he would have entered a protestation; he

would have informed the Archon ; and would have followed any course that might effectually have secured the right of his niece. Yet, I repeat it, when my brother disposed of this girl as of a bastard, Nicodemus, who calls her his niece, neither thought fit to assert her claim to the fortune of Pyrrhus, nor to exhibit an information against the man, who had thus vilified her, nor was he at all indignant at the pitiful portion, which her husband received, but shamefully acquiesced in all these transactions.

On each of the points just mentioned the laws are explicit ; but read first the deposition concerning the claim and adjudication of the inheritance, and afterwards that concerning the pretended marriage. DEPOSITIONS. Next read the law. THE LAW. To close the whole, read once more the deposition of the defendant. DEPOSITION of NICODEMUS. Now in what manner can an accuser more clearly convict the person accused, than by adducing proofs both from the man's own conduct, and from the laws of his country ? Of Nicodemus, therefore, almost enough has been said.

Consider now, whether the very man, who married his niece, may not afford a convincing argument of his guilt. It has been given in evidence, that Xenocles took the girl as an illegitimate daughter of Pyrrhus, and he himself established the truth of that evidence by his long acquiescence ; for, had he taken her from Endius as one born in lawful matrimony, he would not have neglected, when so many of his children by her were adult, to assert against my brother her claim to her paternal inheritance ; especially, when he was prepared to deny that Endius had really been adopted by Pyrrhus, and excepted to all the witnesses, who swore that they were present at the execution of the will ; as their deposition, which shall now be read, will convince you. DEPOSITION. By the actions, indeed, of these confederates, they manifestly
acknowledged

acknowledged the validity of that adoption; for, had they thought it impeachable, they would not have submitted to the long possession of the last occupier, nor have delayed till now the claim of this woman to the fortune of Pyrrhus, who has been dead above twenty years, whereas Endius died only last year in the month of October, and they put in their claim on the third day after his death: now the law ordains, that whoever has a title to an estate must claim it within five years after the decease of the last possessor; so that Phila had only this alternative, either to contend with Endius, while he lived, for her paternal estate, or, after the death of the adopted son, to claim the fortune of her brother by right of succession; especially if Endius, as these men alledge, betrothed her to Xenocles, as his legitimate sister; for we all perfectly know, that it is necessary to make a formal claim to a fraternal inheritance, but that, when a man leaves children lawfully begotten, they immediately enter upon their patrimony and enjoy it without litigation. Thus you and all other citizens possess your paternal fortunes without fear of controversy; yet these associates are bold enough to insist, that an adopted son ought not to claim the fortune, which his father left him, while they are claiming the patrimony of Phila, whom they pretend to be the legitimate daughter of Pyrrhus: the very reverse of which is the practice established by law; for, as I before observed, legitimate children ought not to demand a decree for their paternal inheritance, but sons adopted by will are bound to sue for an adjudication of the estate devised to them; because no man would controvert the right of an heir by descent, whereas all the relations of the deceased would eagerly engage in a contest with an heir by appointment. Left any stranger, therefore, who pleased, should commence a suit for such estates, and lest others should dare to claim them as vacant inheritances, all heirs by adoption are obliged to have their title formally allowed: none of you then can suppose, that Xenocles, if he really believed his wife to be legitimate, would have claimed her patrimony in court; but she

she would have entered, as lawful heiress, on the lands of her father ; and, if any one had used violence or attempted forcibly to retain the possession, she would have ejected him, as she might, from her paternal estate ; nor would her opponent have been exposed to a private lawsuit only, but even to a publick information before the Archon, who might have inflicted a corporal punishment, or imposed a heavy fine. I may add, that these uncles of Pyrrhus, if they had known that their nephew left a legitimate daughter, and that neither Endius nor any of us would marry her, would never have permitted Xenocles, who bore no relation to the deceased, to take a woman, who belonged to them as her next of kin : that would have been inconceivably strange. The law commands, that both such daughters as have been given in marriage to strangers by their own fathers (yet who can determine better than a father, what may be for his daughter's advantage ?) and such as remain single, shall be married to their nearest relations, if their fathers die without leaving sons begotten in wedlock ; and many men have had their wives taken from them by force of this law : would any one of Pyrrhus's uncles then have suffered Xenocles to marry a daughter of their nephew, when the laws had adjudged her to one of them, and thus have made a stranger heir to so large an estate, instead of themselves ? Never believe it, judges ; for no man prefers another's interest to his own ; but if they should pretend, that the adoption of Endius prevented the woman from having the quality of an heiress, on which account they did not demand her in marriage for one of themselves, let them first be asked, why, if they allow that Endius was adopted, they took exceptions to all the witnesses who attested his adoption, and why they passed him over, who was last possessor of the lands, and now illegally and informally have claimed the estate for Phila as heiress to the deceased ? Ask them also (and oppose these interrogatories to their impudence) whether any legitimate child ever thinks it proper to obtain a sentence of the court for his own patrimony ? That this girl however, was truly an heiress
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and liable to be married to her nearest kinsman, if she was not illegitimate, most evidently appears from the law, which expressly ordains, that every man may dispose of his estate by will, as he pleases, unless he has legitimate sons ; and that, if he has daughters, he may bequeath his property, but the legatees are bound to take them in marriage ; so that a man is allowed to devise his possessions together with his legitimate daughters, but without them he can neither constitute an heir by adoption, nor appoint a successor by will to any part of his estate : if Pyrrhus, therefore, adopted Endius without providing for his marriage with his daughter, such an adoption was illegal and consequently void ; but if he gave her together with his fortune to his adopted son, how came it that you, the uncles of Pyrrhus, permitted Endius, without taking her, if she was lawfully begotten, to procure a decree for establishing his own title to the succession ? especially if your nephew, as you gave in evidence, had requested you to superintend the interests of the girl ? This too, honest men, you will say, escaped your memory : yet, when she was betrothed and given away by Endius, you, her father's uncles, suffered the daughter of your nephew to be thus treated as his bastard ; you who swear that you were present, when Pyrrhus took her mother as his lawful wife, and that you were invited by him to an entertainment on the tenth day after the child's birth. Thus, when your nephew had enjoined you (for this is the worst part of your conduct) to consult the girl's interest, your mode of consulting it was to let her be disposed of as base born, though she bore the name, as yourselves have sworn, of your own sister. From all this, as well as from the reason of the thing, it is manifest, that these confederates are the most impudent of mortals ; for with what view could my uncle, if he had a legitimate daughter, adopt my brother as his son ? Had he any nearer kinsmen than we, whom he meant to exclude from the right of demanding his daughter in marriage ? But there neither existed nor exists (for he had no sons) any nearer relation to him than ourselves ;

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since he had no brothers, nor brother's sons, and we are the children of his sister. They will urge, that, had Pyrrhus chosen to adopt any of his other kinsmen, he would have given his daughter, together with his estate; yet why should he thus openly and unnecessarily affront any one of his relations? It was in his power, if he had really married the sister of Nicodemus, to introduce his daughter by her to the men of his own ward, as born in wedlock; by which care he might have made her sole heiress of all his fortune, and might have directed, that one of her sons should be adopted as his own; for he well knew, that, by leaving her his heiress, either one of us, his nephews, might have procured a decree for taking her in marriage, or, in case of our refusal, one of these ready witnesses, his uncles, might have married her; or, had they too declined the match, his next nearest relation might have taken her, by a sentence of the court, with all his property; this he would have effected by introducing her as his daughter to the ward, of which he was a member, and by not adopting my brother; but by the adoption of Endius, and the want of admitting Phila as his daughter, he not only declared her, as he ought to do, illegitimate, and deprived her of all right to the succession, but actually appointed my brother heir to the whole estate.

Now, to convince you, that our uncle neither gave a nuptial feast, nor thought proper to admit the girl, whom they call his legitimate daughter, to his ward, according to the ancient custom, the testimony of those, who belong to the same ward, shall be read to you—Read: and do you stop the water-glass. DEPOSITION. Read now the proofs of my brother's adoption. EVIDENCE. Can you then give credit to the testimony of Nicodemus, in preference to the superior evidence of my uncle's own conduct? Will any man endeavour to persuade you, that Pyrrhus really married a common harlot? You will not be persuaded, unless Nicodemus inform you, as I said in the beginning of my
speech,

speech, with what portion he betrothed his sister to Pyrrhus; before what magistrate she declared, that she had left her husband or his house; by whom her fortune was returned to him, after the death of my uncle; or, if he could not obtain a restitution of it in the course of twenty years, what action he brought for her alimony or for her portion against the occupier of the estate: let him also declare, whether he had betrothed her to any one else, either before or after her pretended marriage with Pyrrhus, or whether she had children by any other man. Interrogate him to these points, and do not forget to examine him concerning the marriage-feast supposed to be given to the members of his ward: this is no light argument against the testimony of Nicodemus; for, could they have prevailed with him to marry the woman, he might surely have been induced to give an entertainment to the men of his ward, and to present this girl to them as his legitimate child, who, if he had been really married, was heiress to a fortune of three talents. He would have been obliged also to entertain the wives of his companions at the festival of Ceres, and to have borne such offices in his borough on account of his wife, as are required from a man of his possessions: yet nothing of this kind will appear to have been done. The members of his ward have given their evidence: I shall, therefore, conclude with the testimony of his fellow-burgesses. DEPOSITIONS.

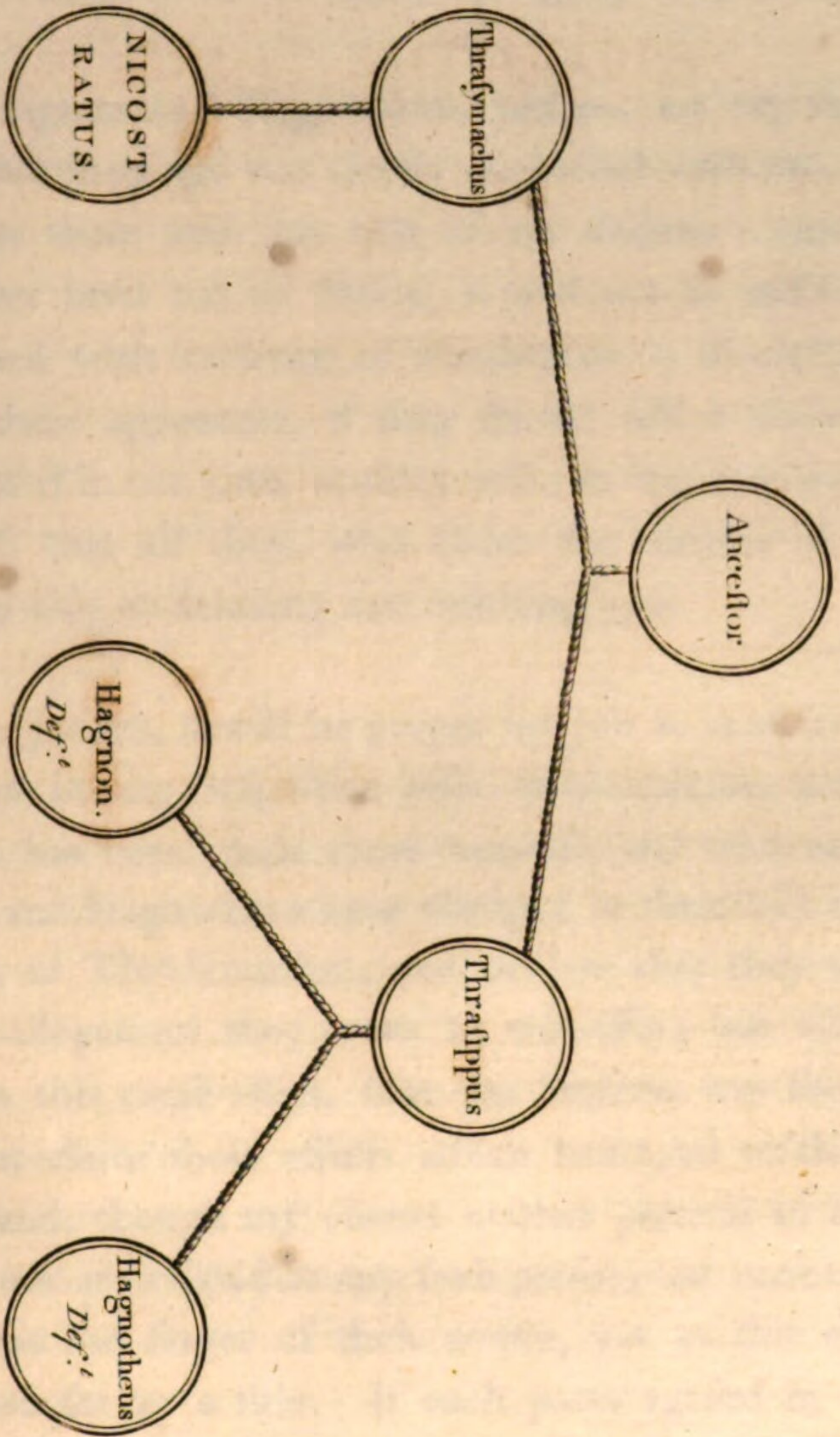
SPEECH

SPEECH THE THIRD.

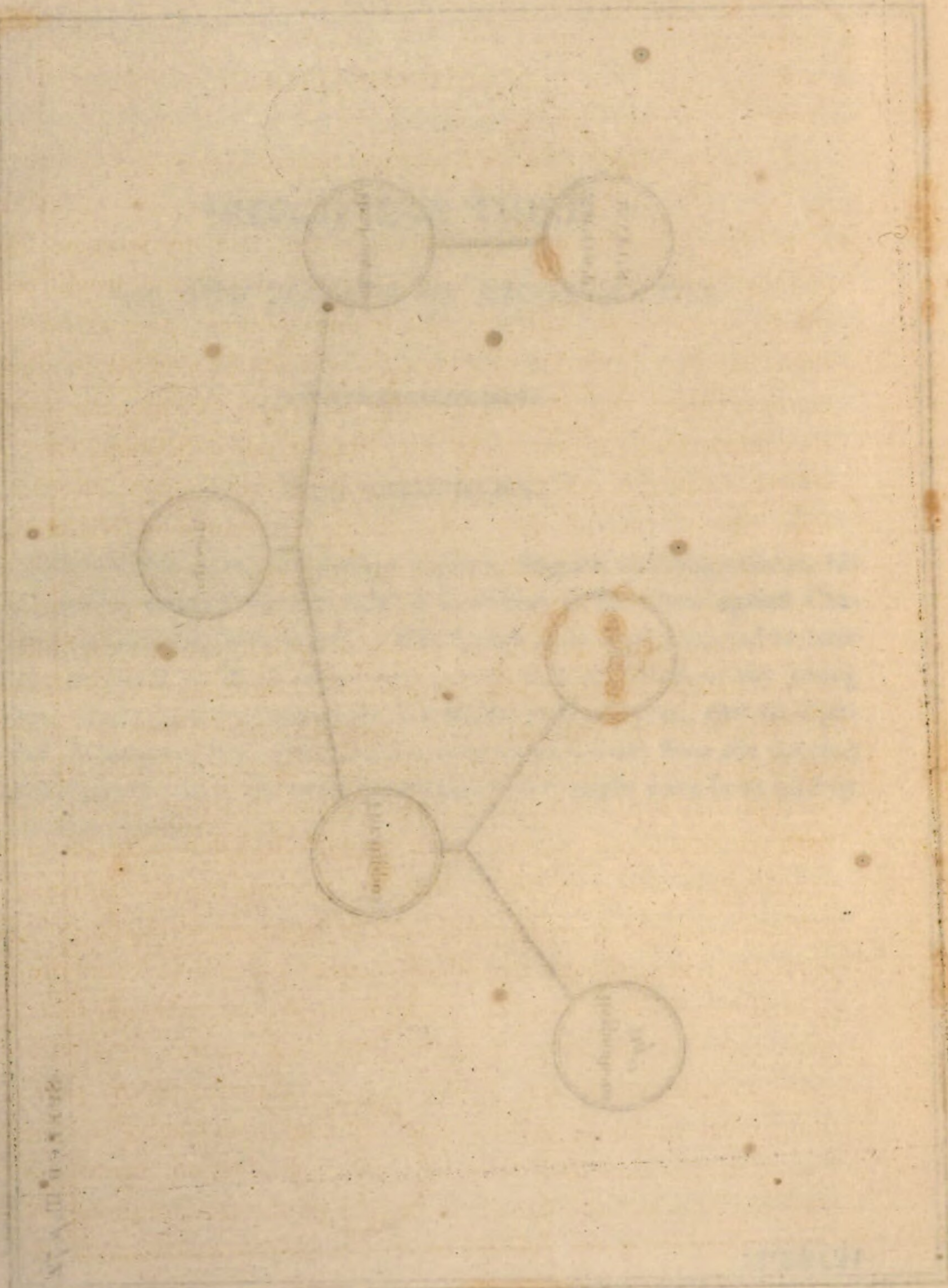
ON THE ESTATE OF NICOSTRATUS.

THE ARGUMENT.

NICOSTRATUS dying in a foreign country, Hagnon and Hagnotheus, his first cousins, contend for the right of succession to his estate against Chariares, who claims under a will. This speech is by some supposed to have been delivered by Isæus in his own person as next friend to the young men, whose cause he supported; but Reiske well observes, that no argument in favour of this opinion can be drawn conclusively from the opening of the speech; since the words *my intimate friends* might have been used by any other speaker.



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SPEECH THE THIRD.

Hagnon and Hagnotheus against Chariades.

SINCE Hagnon and Hagnotheus, judges, are my intimate friends, and their father long ago was closely connected with me, it will become me to defend them with the best of my abilities: now as neither of them has ever been out of Attica, it will not be possible for them to come prepared with evidence of transactions in foreign parts, nor easy to confute their opponents, if they should tell a fictitious story; but what has passed in our own country will, in my opinion, afford a sufficient proof, that all they, who claim the fortune of Nicostratus as legatees, aim only at deluding and insulting you.

First then, judges, it will be proper for you to consider the difference of the names in our respective bills of complaint, and to determine which claim has been made more naturally and with more simplicity; for Hagnon and Hagnotheus have alledged in their bill that Nicostratus was the son of Thrasymachus, and declare that they are his cousins, both which allegations they prove by witnesses; but Chariades and his coadjutors in this cause assert, that one Smicrus was the father of Nicostratus, yet claim those effects which belonged to the son of Thrasymachus; and, though my clients neither pretend to know the name of Smicrus, nor are related to any such person, but maintain, that Thrasymachus was the father of their cousin, yet to this estate also these associates have set up a title. If each party agreed in the name, nothing more would be left for your decision, than singly, whether that Nicostratus, whom both sides have in contemplation, made a will or not; but how can the same man be said in the same cause to have two

fathers? To this absurdity has Chariades reduced himself; for having claimed a right of succession to Nicostratus the son of Smicrus, he has instituted his suit against those, who claim as next of kin to the son of Thrasymachus, and has tendered an issue, that the son of both these men was one and the same Nicostratus. Now all this is a mere trick and a preconcerted scheme; for they are well aware, that while the case remains simple and not involved in this perplexity, my friends will have no difficulty in proving, that Nicostratus never made a will; but, if they introduce the name of a different father, and contend, nevertheless, for the same estate, they are perfectly sensible, that we must use a longer argument to prove, that Nicostratus was the son of Thrasymachus, than to convince you, that no will was made by him: besides, had they confessed, that Nicostratus was his son, they could not have denied, that these young men were cousins to the deceased; but by fabricating a new father to him, they have drawn into question not his will only, but his pedigree.

This contrivance, and not this alone, but all that has happened from the beginning, will convince you, that other persons, besides those who appear in the cause, have brought this trouble on my clients; for, when the succession to a fortune of two talents had been six times litigated, who did not shave his head? Who did not put on mourning cloaths? As if by a false show of sorrow they were sure of succeeding to the estate. How many fictitious kinsmen and self-adopted sons laid claim to the goods of Nicostratus? First, one Demosthenes pretended to be his nephew; but, when he was confuted by the true heirs, he withdrew his demand. Telephus next asserted, that the deceased had made a gift to him of all his property; but he too was very soon reduced to silence: then came Amyniades, bringing to the chief magistrate a child not three years old, as the son of Nicostratus, who for eleven years together had been absent from Athens. Next, Pyrrhus of Lampra

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was absurd enough to alledge, that the deceased had consecrated his whole fortune to Minerva, and yet had given the same fortune to him. Lastly, Cranaus and Ctenias of Befa began with asserting, that they had obtained judgment for one talent in a suit against Nicostratus; and, when they failed in their proof, had the impudence to declare that he had been their freedman. These were the men, who first led their forces against the possessions of Nicostratus: Chariades was then at rest; but afterwards he both set up a title for himself, and even produced his own child by a harlot, as the son of the deceased, hoping either to be master of the estate, or to procure for his bastard the freedom of the city; till perceiving, that he should be unable to prove him legitimate, he discontinued the claim of the infant, and has put in issue his own right under a will.

It were much to be wished, judges, that every claimant of an estate by gift or testament, who fails in proving his title, should not pay the ordinary costs of the suit, but be amerced for the publick benefit to the full amount of the fortune which he falsely claimed; for then, neither would the laws be despised, nor families insulted by these impostors, nor fictions invented about the dead: but, since all strangers who please may at no great expence dispute the right of succession to any estate whatever, it behoves you to weigh the pretensions of such men with a scrupulous exactness, and to let no exertion of your faculties be wanting in such a cause. To me, indeed, it seems, that in suits concerning wills, and in them only, greater stress should be laid on circumstantial proof than on the positive assertion of witnesses; for when other instruments are litigated, it is not always difficult to prove a witness perjured, when he swears in the lifetime and even in the presence, as it often happens, of the supposed party to the deed; but when the validity of a will is in dispute, how can it be known that false evidence is given, unless

unless there be palpable contradictions in it, when the testator is no more, his family are uninformed of the transaction, and the mode of proof is by no means clear or convincing? Let me add, judges, that the generality of testators say nothing to the witnesses concerning what they have bequeathed, but call them only to attest the simple execution of the will: now it frequently happens, that the instrument is altered, and a forged will substituted for the real one; while the witnesses are ignorant whether that produced in the suit be the same with that which they attested. Since then even they, who were confessedly present, are liable to be deceived, how much more readily will they attempt to impose upon you, who know nothing of what passed? But the law, judges, intends, that a will shall be valid, not merely if it be executed, but if the testator be of sound memory: you must first, therefore, consider whether a will was made at all, and next whether the maker of it had his senses at the time; now, since we deny, that any such instrument existed, how can you enquire concerning the sanity of the testator, before you are convinced, that he made his testament? Observe therefore the difficulty of discovering, whether the claimants under a will have truth on their side: but, as to those who claim by right of succession, in the first place no witnesses need be called to substantiate that right, since all agree, that the possessions of the dead regularly devolve to their next of kin: besides, not only the laws concerning consanguinity, but also those concerning the alienation of estates, are favourable to kinsmen; for they suffer no man to dispose of his effects, who has lost his reason either from age or sickness, or any of those infirmities, which, as you know, are incident to nature; but the nearest relation of an intestate, whatever might have been the state of his faculties, has an undisputed title to his property. Add to this, that you must establish wills on the credit of witnesses, by whom you are liable to be deceived (for if none were to swear falsely, there would be no prosecutions for perjury),

perjury), whilst in the other case you confide in none but yourselves; for the nearest relations succeed to estates by laws, which yourselves have enacted.

To all this likewise we may add, that, if those who now claim under the will, had been undeniably friends to Nicostratus, even that would not be conclusive in their favour; but there would then have been a probable ground for supposing the testament to be genuine; since persons, who have no affection for their kinsmen, have sometimes preferred to their nearest relations by blood those who were related to them only by friendship: but now we have fully evinced, that these claimants were neither friends nor companions of the supposed testator, nor even of the same station with him in the army abroad.

Consider too another fact, which most clearly proves the impudence of Chariades; for must he not be shamefully impudent, who neither carried out the body, nor collected the bones, after it was burned, of one who had left him a large estate; but suffered all this to be done by persons wholly unconnected with him? and who, though he performed none of these holy rites enjoined by the laws, has the boldness to claim the possessions of the deceased; and, though he neglected his duty, has not omitted even to lay hands on the goods of Nicostratus? Nor will he himself deny the greatest part of these charges: he will invent, no doubt, some fine pretences and weighty reasons for his conduct; but, what just excuse remains for a man, who plainly avows his offence?

By this time, judges, you must be perfectly sensible, that these men have no legal right to the fortune of Nicostratus, but wish to baffle you, and to deprive his near relations of that succession, which the laws have given them: nor has Chariades alone acted thus, but many other false claimants

claimants have arisen; and, indeed, when a man dies in a foreign country, numbers often claim his fortune, who were strangers even to his person; for they think that, if they succeed, they shall enjoy the property of others, and shall not, if they fail of success, incur a considerable loss. In these cases enow may be found, who will forswear themselves, and such evidence is in its nature very obscure; in a word, there is a vast difference between the claims of the legatee and the heir of the deceased: you will first, therefore, enquire, judges, whether a will actually exists; for of this both law and justice require you to be certain; and now, since you have no personal knowledge of the transaction, and since the witnesses to the pretended will were not friends to Nicostratus, but strongly in the interest of Chariades, who demands what he has no right to claim, what can be more just than to give the goods of a cousin to his cousins, whose effects, had he survived them, would have come to him, as their kinsmen in the same degree?

Our adversaries will perhaps assert, that Hagnon and Hagnotheus are not the cousins of Nicostratus, since the associates are labouring to support a man who claims as legatee. Why do they not rather lay claim to the estate themselves, as of kin to the deceased? Are they so silly as to relinquish such possessions for the sake of establishing a will, when by their own account it will be more advantageous for them, that the fortune of Nicostratus should be decreed to my clients than to Chariades? If my friends, who claim as kinsmen, take possession of the estate, it will at any future time be competent to the supporters of our antagonist to prove, that they are more nearly related to Nicostratus, and that he was the son of Smicrus, not of Thrasymachus; but, should Chariades gain his cause, no relation will ever be permitted to disturb him; for what can the kindred of a man alledge against him who claimed under a will, and for whom judgment has been given?

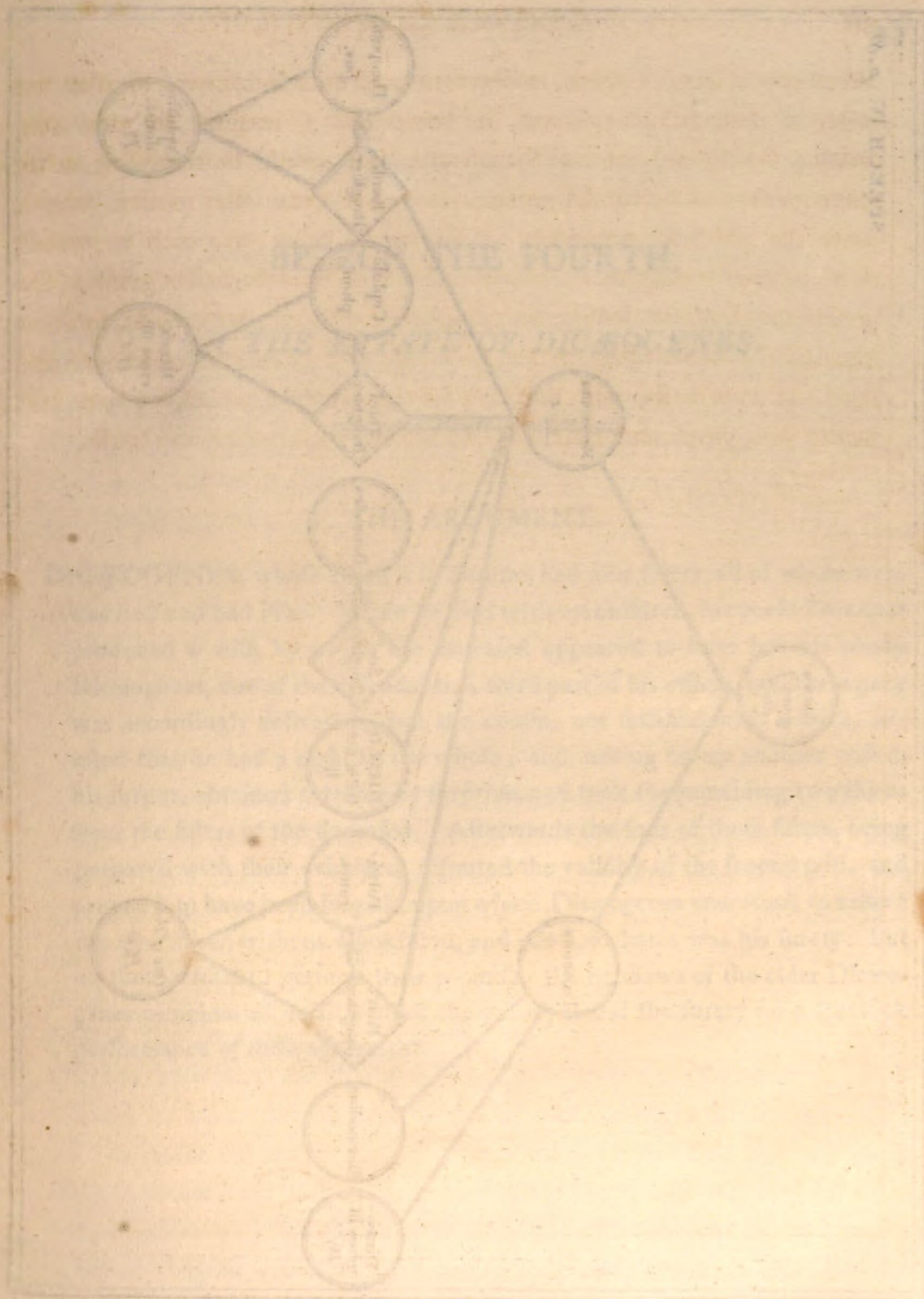
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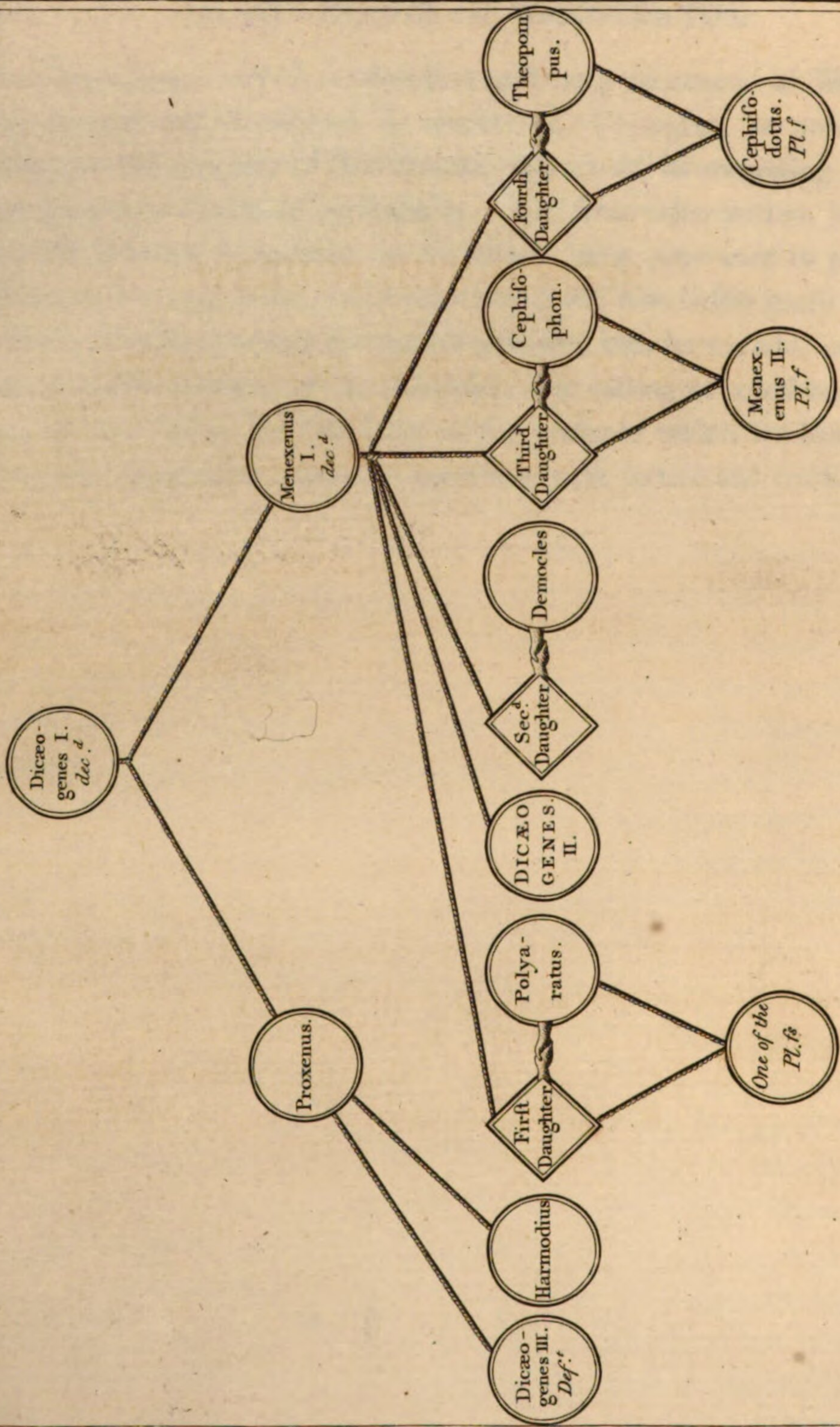
Whatever then each of you would think just, were the cause your own, let that be your determination in the case of these youths: they have produced witnesses before you, who have proved, first, that they are the cousins of Nicostratus, as children of his father's brother; and that no disagreement ever subsisted between them; next, that they supplied the charges of his funeral; that Chariades had no intimacy with him either here or in the army, and that the connection, on which he relies, is wholly fictitious. Independently too of these proofs, it will be right for you, judges, to consider and weigh the qualities of the respective claimants. Thrasippus, the father of Hagnon and Hagnotheus, had often served your publick offices, contributed to your expences, and been in all respects a virtuous citizen; nor have his sons themselves ever departed from their country except by your command; nor, while they stayed at home, have they been useless to the city; but they exert themselves in their military station, bring their contributions with alacrity, discharge every other part of their duty with faithfulness, and set an example, as all Athens knows, of decency and moderation; so that they were far worthier than Chariades to receive benefit from a will of Nicostratus; for that fellow, soon after he came hither, was convicted of larceny, having been caught in the very act, and committed by the magistrates to prison (whence he was afterwards released) together with some other felons, whom you publicly sentenced to an ignominious death: afterwards being accused, before the council, of fraudulent practices, he made default, and, having fled from justice, was absent from this city seventeen years, and continued abroad till the death of Nicostratus; nor has he at any time fought in your defence, or contributed to your supplies, unless perhaps he has given a trifle since the commencement of this suit; but no other expence has he at any time sustained for your advantage. With this disposition, with this character, is he not contented with eluding the punishment due to his crimes, but must he add to them so audacious a claim of what belongs to others?

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Were my clients, indeed, malevolent and busy informers, or like too many of their fellow-citizens, he would not, I imagine, be now contending for the property of Nicostratus, but would be trembling at the consequences of a criminal prosecution. Let some other person, judges, draw the publick vengeance on his head: be it your care to protect these injured young men; and favour not those, who basely grasp at the possessions of others, before the nearest relations, and, let me add, in some measure the benefactors of the deceased; but calling to mind both the laws and your oaths, and reflecting on the evidence which we have laid before you, pronounce a sentence consistent with justice and truth.

SPEECH





SPEECH THE FOURTH.

ON THE ESTATE OF DICÆOGENES.

THE ARGUMENT.

DICÆOGENES, whose estate is in dispute, had four sisters, all of whom were married and had issue. When he died without children, his uncle Proxenus produced a will, by which the deceased appeared to have left his cousin Dicæogenes, one of the defendants, a third part of his effects, and the legacy was accordingly delivered; but the cousin, not satisfied with a share, insisted that he had a right to the whole; and, having set up another will in his favour, obtained a decree by surprize, and took the remaining two thirds from the sisters of the deceased. Afterwards the sons of those sisters, being prepared with their evidence, disputed the validity of the second will, and proved it to have been forged; upon which Dicæogenes undertook to restore the two thirds without diminution, and one Leochares was his surety: but on their refusal to perform their promise, the nephews of the elder Dicæogenes commenced a suit against the principal and the surety for a specifick performance of their agreement.

SPEECH THE FOURTH.

Menexenus and Others against Dicæogenes and Leochares.

WE had imagined, judges, that all agreements made in court concerning this dispute would have been specifically performed; for, when Dicæogenes disclaimed the remaining two thirds of this estate, and was bound, together with his surety, to restore them without any controversy, on the faith of this assurance we gave a release of our demands: but now, since he refuses to perform his engagement, we bring our complaint, conformably to the oath which we have taken, both against him and his surety Leochares. THE OATH. That we swore truly, both Cephisodotus, who stands near me, perfectly knows, and the evidence, which we shall adduce, will clearly demonstrate. Read the depositions. EVIDENCE.

You have heard the testimony of these witnesses; and I am persuaded, that even Leochares himself will not venture to assert that they are perjured; but he will have recourse perhaps to this defence, that Dicæogenes has fully performed his agreement, and that his own office of surety is completely satisfied: if he alledge this, he will speak untruly, and will easily be confuted; for the clerk shall read to you a schedule of all the effects, which Dicæogenes, the son of Menexenus, left behind him, together with an inventory of those which the defendant unjustly took; and, if he affirms, that our uncle neither had them in his life time, nor left them to us at his death, let him prove his assertion; or, if he insists, that the goods were indeed ours, but that we had them restored to us, let him call a single witness to that fact; as we have produced evidence on our part, that Dicæogenes promised to give us back the

the two thirds of what the son of Menexenus possessed, and that Leochares undertook to see him perform his promise. This is the ground of our action, and this we have sworn to be true. Let the oath again be read. THE OATH.

Now, judges, if the defendants intended only to clear themselves of this charge, what has already been said would be sufficient to ensure my success; but, since they are prepared to enter once more into the merits of the question concerning the inheritance, I am desirous to inform you on our side of all the transactions in our family; that, being apprized of the truth, and not deluded by their artifices, you may give a sentence agreeable to reason and justice.

Menexenus our grandfather had one son named Dicæogenes, and four daughters, of whom Polyaratus my father married one; another was taken by Democles of Phrearrhi, a third by Cephisophon of Pæania; and the fourth was espoused by Theopompus the father of Cephisodotus. Our uncle Dicæogenes, having sailed to Cnidos in the Parhalian galley, was slain in a sea fight; and, as he left no children, Proxenus the defendant's father brought a will to our parents, in which his son was adopted by the deceased, and appointed heir to a third part of his fortune; this part our parents, unable at that time to contest the validity of the will, permitted him to take; and each of the daughters of Menexenus, as we shall prove by the testimony of persons then present, had a decree for her share of the residue. When they had thus divided the inheritance, and had bound themselves by oath to acquiesce in the division, each person possessed his allotment for twelve years; in which time, though the courts were frequently open for the administration of justice, not one of these men thought of alledging any unfairness in the transaction; until, when the state was afflicted with troubles and seditions, this Dicæogenes was persuaded by Melas the Egyptian, to whom
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he used to submit on other occasions, to demand from us all our uncle's fortune, and to assert that he was appointed heir to the whole. When he began his litigation, we thought he was deprived of his senses; never imagining that the same man, who at one time claimed as heir to a third part, and at another time as heir to the whole, could gain any credit before this tribunal; but when we came into court, although we urged more arguments than our adversary, and spoke with justice on our side, yet we lost our cause; not through any fault of the jury, but through the villainy of Melas and his associates, who, taking advantage of the public disorders, assumed a power of seizing possessions, to which they had no right, by swearing falsely for each other: by such men therefore were the jury deceived; and we, overcome by this abominable iniquity, were stripped of our effects; for my father died not long after the trial, and before he could prosecute, as he intended, the perjured witnesses of his antagonist. On the very day, when Dicæogenes had thus infamously prevailed against us, he ejected the daughter of Cephisophon, the niece of him who left the estate, from the portion allotted to her; took from the wife of Democles what her brother had given her as coheirs; and deprived both the mother of Cephisodotus and the unfortunate youth himself of their whole fortune: of all these he was at the same time guardian and spoiler, next of kin, and cruellest enemy; nor did the relation, which he bore them, excite in the least degree his compassion; but the unhappy orphans, deserted and indigent, became destitute even of daily necessities. Such was the guardianship of Dicæogenes their nearest kinsman! who gave to their avowed foes what their father Theopompus had left them, illegally possessed himself of the property which they had from their maternal uncle and their grandfather; and (what was the most open act of cruelty) having purchased the house of their father and demolished it, he dug up the ground on which it stood, and made that handsome garden for his own house in the City. Still further; although he receives an annual rent
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of eighty minas from the estate of our uncle, yet such are his insolence and profligacy, that he sent my cousin Cephisodotus to Corinth as a servile attendant on his brother Harmodius; and adds to his other injuries this cruel reproach, that he wears ragged clothes and coarse buskins: but is not this unjust, since it was his own violence which reduced the boy to poverty?

On this point enough has been said: I now return to the narration from which I have thus digressed. Menexenus then, the son of Cephisophon, and cousin both to this young man and to me, having a claim to an equal portion of the inheritance, began a prosecution against those who had perjured themselves in the former cause, and convicted Lycon, whom he first brought to justice, of having falsely sworn that our uncle appointed this Dicæogenes heir to his whole estate: when, therefore, this pretended heir was disappointed in his hopes of deluding you, he persuaded Menexenus, who was acting both for our interest and his own, to make a compromise, which, though I blush to tell it, his baseness compells me to disclose. What was their agreement? That Menexenus should receive a competent share of the effects on condition of his betraying us, and of releasing the other false witnesses, whom he had not yet convicted: thus, injured by our enemies and by our friends, we remained with silent indignation; but you shall hear the whole transaction from the mouth of witnesses. EVIDENCE. Nor did Menexenus lose the reward of his perfidy; for, when he had dismissed the persons accused and given up our cause, he could not recover the promised bribe from his seducer, whose deceit he so highly resented, that he came over again to our side. We therefore, justly thinking that Dicæogenes had no right to any part of the inheritance, since his principal witness had been actually convicted of perjury, claimed the whole estate as next of kin to the deceased: nor will it be difficult to prove the justice of our claim; for, since two wills had been produced, one of an
ancient.

ancient date, and the other more recent; since by the first, which Proxenus brought with him, our uncle made the defendant heir to a third part of his fortune, which will Dicæogenes himself prevailed upon the jury to set aside; and since the second, under which he claims the whole, had been proved invalid by the conviction of the perjured witnesses, who swore to its validity; since, I say, both wills had been shown to be forged, and no other testament existed, it was impossible for any man to claim the property as heir by appointment, but the sisters of the deceased, whose daughters we married, were entitled to it as heirs by birth.

These reasons induced us to sue for the whole as next of kin, and each of us claimed a share; but when we were on the point of taking the usual oaths on both sides, this Leochares put in a protestation, that the inheritance was not controvertible: to this protestation we took exceptions, and having begun to prosecute Leochares for perjury, we discontinued the former cause. After we had appeared in court, and urged the same arguments on which we have now insisted, and after Leochares had been very loquacious in making his defence, the judges were of opinion that he was perjured; and as soon as this appeared by the number of pellets, which were taken out of the urns, it is needless to inform you what entreaties he used both to the court and to us, or what an advantage we might then have taken: but attend to the agreement which we made. Upon our consenting that the Archon should mix the pellets together without counting them, Dicæogenes undertook to surrender two thirds of the inheritance, and to resign them without any dispute to the sisters of the deceased; and for the full performance of this undertaking, Leochares was his surety, together with Mnesiptolemus the Plotian; all which my witnesses will prove. EVIDENCE.

Although we had been thus injured by Leochares, and had it in our power, after he was convicted of perjury, to mark him with infamy, yet

we

we consented that judgement should not be given, and were willing to drop the prosecution upon condition of recovering our inheritance: but after all this mildness and forbearance, we were deceived, judges, by these faithless men; for neither has Dicæogenes restored to us the two thirds of his estate, conformably to his agreement in court; nor will Leochares confess that he was bound for the performance of that agreement. Now, if these promises had not been made before five hundred jurymen and a croud of hearers, one cannot tell how far this denial might have availed him; but, to show how falsely they speak, I will call some witnesses who were present both when Dicæogenes disclaimed two thirds of the succession, and undertook to restore them undisputed to the sisters of our uncle, and when Leochares engaged, that he should punctually perform what he had undertaken: to confirm his evidence, judges, we entreat you, if any of you were then in court, to recollect what passed, and, if our allegations are true, to give us the benefit of your testimony; for, if Dicæogenes speaks the truth, what advantage did we reap from gaining the cause, or what inconvenience did he sustain by losing it? If, as he asserts, he only disclaimed the two thirds, without agreeing to restore them unencumbered, what has he lost by relinquishing his present claim to an estate, the value of which he has received? For he was not in possession of the two third parts, even before we succeeded in our suit, but had either sold or mortgaged them; it was his duty, however, to return the money to the purchasers, and to give us back our share of the land; since it was with a view to this, that we, not relying singly upon his own engagement, insisted upon his finding a surety. Yet, except two small houses without the walls of the city, and about sixty acres of land in the Plain, we have received no part of our inheritance; nor did we care to eject the purchasers of the rest, lest we should involve ourselves in litigation; for when, by the advice of Dicæogenes, and on his promise not to oppose our title, we turned Micio out of a bath, which he had purchased, he brought an action

against

against us and recovered forty minas. This loss, judges, we incurred through the perfidy of Dicæogenes ; for we, not imagining that he would recede from an engagement so solemnly made, assured the court, that we would suffer any evil, if Dicæogenes should warrant the bath to Micio ; not that we depended on his own word, but we could not conceive, that he would betray the sureties, who had undertaken for him ; yet this very man, who disavowed all pretensions to these two thirds, and even now admits his disavowal, had the baseness, when he was vouched by Micio, to acknowledge his warranty ; whilst I, unhappy man, who had not recovered a particle of my share, was condemned to pay forty minas for having ousted a fair purchaser, and left the court oppressed by the insults of this Dicæogenes. To prove the transaction, I shall call my witnesses. EVIDENCE.

Thus have we been injured, judges, by this man ; whilst Leochares, who was bound for him, and has been the cause of all our misfortunes, is confident enough to deny what has been proved against him ; because his undertaking was not entered in the register of the court : now, judges, as we were then in great haste, we had time to enter part only of what had been agreed on, and took care to provide faithful witnesses of all the rest ; but these men have a convenient subterfuge : what is advantageous to them, they allow to be valid, although it be not written, but deny the validity of what may be prejudicial to their interests, unless it be in writing ; nor I am surprized, that they refuse to perform their verbal promises, since they will not even act conformably to their written agreements. That we speak truly, an undeniable proof shall be produced : Dicæogenes gave my sister in marriage with a portion of forty minas to Protarchides of Potamos ; but, instead of paying her fortune in money, he gave her husband a house which belonged to him in Ceramicus ; now she had the same right with my mother to a share of this estate ; when Dicæogenes, therefore, had resigned to the women

two thirds of the inheritance, Leochares told Protarchides in what manner he had become a surety, and promised in writing to give him his wife's allotment, if he would surrender to him the house which he had taken instead of the portion: Protarchides, whose evidence you shall now hear, consented; but Leochares took possession of his house, and never gave him any part of the allotment. EVIDENCE.

As to the repairs of the bath, and the expenses of building, Dicæogenes has already said, and will probably say again, that we have not reimbursed him, according to our engagement, for the sum which he expended on that account; for which reason he cannot satisfy his creditors, nor give us the shares to which we are entitled. To answer this, I must inform you, that, when we compelled him in open court to disclaim this part of the inheritance, we permitted him, by the advice of the jury, to retain the profits of the estate, which he had enjoyed so long, by way of compensation for his expenses in repairs, and for his publick charges; and some time after, not by compulsion, but of our own free will, we gave him a house in the city, which we separated from our own estate, and added to his third part. This he had as an additional recompense for the materials which he had bought for his building; and he sold the house to Philonicus for fifty minas: nor did we make him this present as a reward of his probity, but as a proof that our own relations, how dishonest soever, are not undervalued by us for the sake of lucre; and even before, when it was in our power to take ample revenge of him by depriving him of all his possessions, we would not act with the rigour of justice, but were contented with obtaining a decree for part of our own property; whilst he, when he had procured an unjust advantage over us, plundered us with all possible violence, and now strives to ruin us, as if we were not his kinsmen, but his inveterate foes.

We will now produce a striking instance of our candour, and of his knavery. When, in the month of December, judges, the prosecution against Leochares was carried on with firmness, both he and Dicæogenes entreated me to postpone the trial, and refer all matters in dispute to arbitration; to which proposal, as if we had sustained only a slight injury, we consented; and four arbitrators were chosen, two by us, and as many by them: we then swore, in their presence, that we would abide by their award; and they told us, that they would settle our controversy, if possible, without being sworn; but that, if they found it impossible to agree, they would severally declare upon oath what they thought the merits of the case. After they had interrogated us for a long time, and enquired minutely into the whole transaction, Diotimus and Melanopus, the two arbitrators, whom we had brought, expressed their readiness to make their award, either upon oath or otherwise, according to their opinion of the truth from the testimony of both parties; but the other two, whom Leochares had chosen, refused to join in any award at all; though one of them, Diopithes, was a kinsman of Leochares, and an enemy to me on account of some former disputes, and his companion Demaratus was a brother of that Mnesiptolemus, whom I mentioned before, as one of the sureties for Dicæogenes: these two declined giving any opinion, although they had obliged us to swear that we would submit to their decision. EVIDENCE.

It is abominable then, that Leochares should request you to pronounce a sentence in his favour, which his own relation Diopithes refused to pronounce; and how can you, judges, with propriety decree for this man, when even his friends have virtually decreed against him? For all these reasons I intreat you, unless you think my request inconsistent with justice, to decide this cause against Leochares.

As

As for Dicæogenes, he deserves neither your compassion as an indigent and unfortunate man, nor your indulgence as a benefactor in any degree to the state: I shall convince you, judges, that neither of these characters belongs to him; shall prove him to be both a wealthy and a profligate citizen, and shall produce instances of his base conduct towards his friends, his kinsmen, and the publick. First, though he took from us an estate, from which he annually received eighty minas, and though he enjoyed the profits of it for ten years, yet he is neither in possession of the money, nor will declare in what manner he has employed it. It is also worthy of your consideration, that, when he presided over the games of his tribe at the feast of Bacchus, he obtained only the fourth prize, and was the last of all in the theatrical exhibitions and the Pyrrhick dances: these were the only offices that he has served, and these too by compulsion; and see how liberally he behaved with so large an income! Let me add, that, in a time of the greatest publick calamity, when so many citizens furnished vessels of war, he would not equip a single galley at his own expense, nor even joined with another; whilst others, whose entire fortune was not equal to his yearly rents, bore that expensive office with alacrity: he ought to have remembered, that it was not his father who gave him his estate; but you, judges, who established it by your decree; so that, even if he had not been a citizen, gratitude should have prompted him to consult the welfare of the city.

Again; when contributions were continually brought by all who loved their country, to support the war and provide for the safety of the state, nothing came from Dicæogenes: when Lechæum indeed was taken, and when he was pressed by others to contribute, he promised publickly, that he would give three minas, a sum less than that which Cleonymus the Cretan voluntarily offered: yet even this promise he never performed; but his name was hung up on the statues of the

Eponymi,

Eponymi, with an inscription, asserting, to his eternal dishonour, that he had not paid the contribution, which he promised in publick, for his country's service. Who now can wonder, judges, that he deceived me, a private individual, when he so notoriously deluded you all in your common assembly? Of this transaction you shall now hear the proofs.

EVIDENCE.

Such and so splendid have been the services which Dicæogenes, possessed of so large a fortune, has performed for the city! You perceive, too, in what manner he conducts himself towards his relations; some of whom he has deprived, as far as he was able, of their property; others he has basely neglected, and forced, through the want of mere necessities, to enter into the service of some foreign power. All Athens saw his mother sitting in the temple of Ilithyia, and heard her accuse him of a crime, which I blush to relate, but which he blushed not to commit. As to his friends, he has now incurred the violent hatred of Melas the Egyptian, who had been fond of him from his early youth, by refusing to pay him a sum of money, which he had borrowed: his other companions he has either defrauded of sums, which they lent him, or has failed to perform his promise of giving them part of his plunder, if he succeeded in his cause.

Yet our ancestors, judges, who first acquired this estate, and left it to their descendants, conducted all the publick games, contributed liberally towards the expense of the war, and continually had the command of gallies, which they equipped: of these noble acts the presents, with which they were able, from what remained of their fortune after their necessary charges, to decorate the temples, are no less undeniable proofs, than they are lasting monuments of their virtue; for they dedicated to Bacchus the tripods, which they won by their magnificence in their games; they gave new ornaments to the temple of the Pythian Apollo;
and

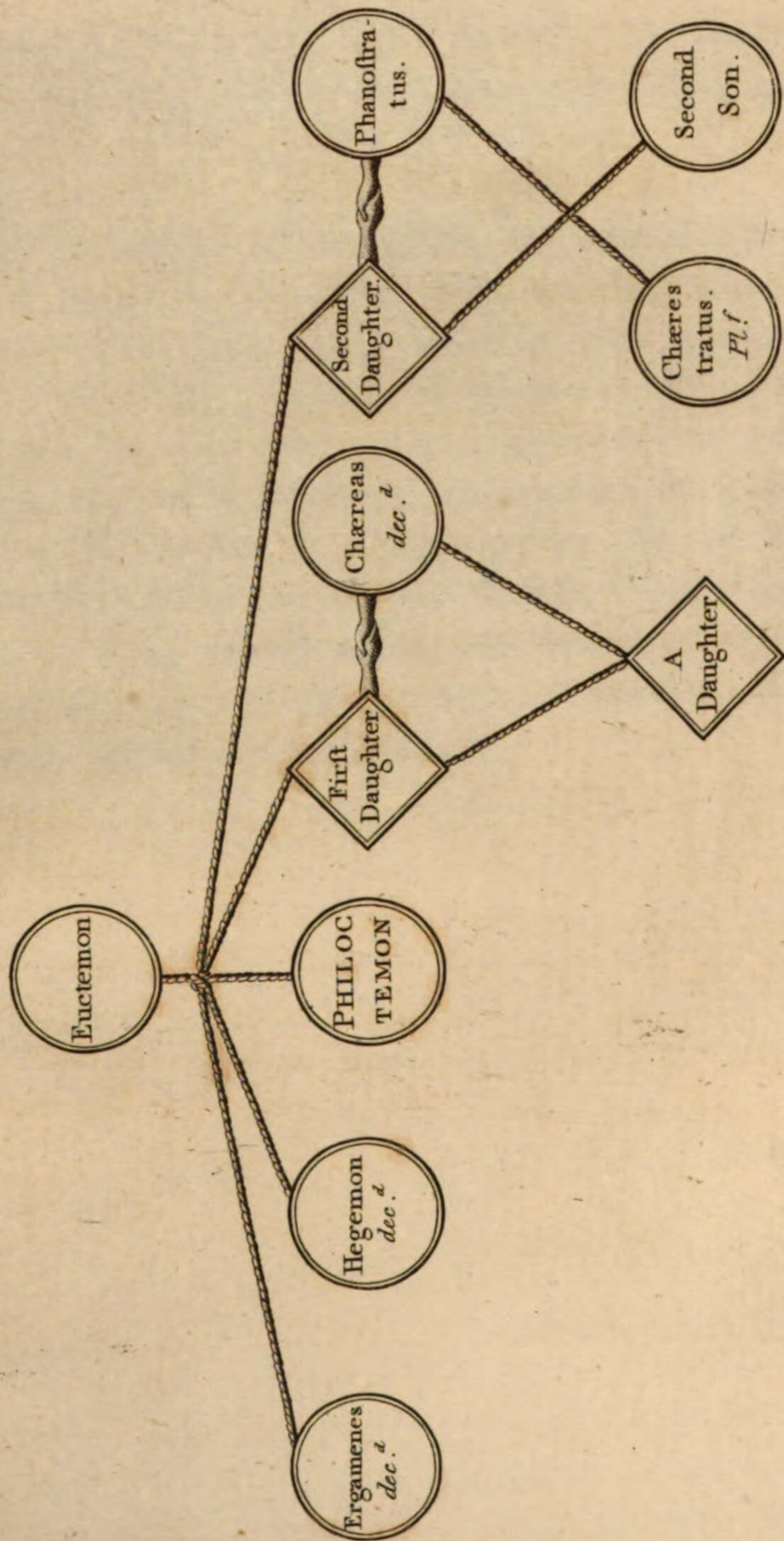
and adorned the shrine of the goddess in the citadel, where they offered the first fruits of their estate, with a great number, if we consider that they were only private men, of statues both in brass and stone. They died fighting resolutely in defence of their country; for Dicæogenes, the father of my grandfather Menexenus, perished in the battle of Eleusis, where he had a command; his son Menexenus fell at the head of the Olyfian legion in Spartolus; and his son, my uncle, lost his life at Cnidos, where he commanded the Parhalian galley.

His estate, O Dicæogenes, thou hast unjustly seized, and shamefully wasted; and, having converted it into money, hast the assurance to complain of poverty. How hast thou spent that money? Not for the use of the state, or of your friends; since it is apparent, that no part of it has been employed for those purposes: not in breeding fine horses; for thou never wast in possession of a horse worth more than three minas: not in chariots; for, with so many farms and so great a fortune, thou never hadst a single carriage even drawn by mules: nor hast thou redeemed any citizen from captivity; nor hast thou conveyed to the citadel those statues, which Menexenus had ordered to be made for the price of three talents, but was prevented by his death from consecrating in the temple; and, through thy avarice, they lie to this day in the shop of the statuary: thus hast thou presumed to claim an estate, to which thou hadst no colour of right, and hast not restored to the gods the statues, which were truly their own. On what ground, Dicæogenes, canst thou ask the jury to give a sentence in thy favour? Is it because thou hast frequently served the publick offices; expended large sums of money to make the city more respectable, and greatly benefited the state by contributing bountifully towards supporting the war? Nothing of this sort can be alledged with truth. Is it because thou art a valiant soldier? But thou never once couldst be persuaded to serve in so violent and so formidable a war, in which even the Olynthians and
the

the islanders lose their lives with eagerness, since they fight for this country; while thou, who art a citizen, wouldst never take arms for the city.

Perhaps, the dignity of thy ancestors, who slew the tyrant, imboldens thee to triumph over us: as for them, indeed, I honour and applaud them, but cannot think that a spark of their virtue animates thy bosom; for thou hast preferred the plunder of our inheritance to the glory of being their descendant, and wouldst rather be called the son of Dicæogenes than of Harmodius; not regarding the right of being entertained in the Prytaneum, nor setting any value on the precedence and immunities which the posterity of those heroes enjoy: yet it was not for noble birth, that Harmodius and Aristogiton were so transcendently honoured, but for their valour and probity; of which thou, Dicæogenes, hast not the smallest share.

SPEECH



SPEECH THE FIFTH.

ON THE ESTATE OF PHILOCTEMON.

THE ARGUMENT.

PHILOCTEMON, one of Euctemon's sons, having adopted Chærestratus, the son of Phanostratus and his younger sister, deposited his will with Chæreas, his elder sister's husband, and died in the lifetime of his father. When he also was dead, Chærestratus claimed the inheritance according to law; and, when one Androcles protested that the estate could not be the subject of litigation, because Euctemon had left two legitimate sons Antidorus and another, the friends of Chærestratus excepted to the protestation, averring that both Antidorus and his brother were illegitimate, and relying upon the law of Solon, which expressly declared, that bastards, whether male or female, should not inherit: the clients of Isæus, therefore, maintain the affirmative in two issues; in one, that Philoctemon adopted Chærestratus; in another, that Antidorus was a bastard.

SPEECH

SPEECH THE FIFTH.

Chærestratus against Androcles.

THAT I am intimately connected, judges, with Phanostratus, and with Chærestratus, who now appears before you, many of you, I believe, perfectly know: but those, who are unacquainted with our friendship, shall hear how strong a proof I gave of it; for, when Menestratus sailed to Sicily with the naval command, I, who had before been on a similar expedition, foresaw all the perils which ensued; yet, at the request of these dear friends, I was the companion both of their voyage and of their misfortunes: now I should act most absurdly, if I voluntarily exposed myself to such imminent danger, because I was connected with them and valued that connection, but should now decline the task of speaking for them, that you may decide their cause agreeably to your oaths, and that they may obtain complete justice from your verdict. I intreat you therefore to indulge me with your favour, and to hear me with benevolence; for this is no trifling contest, but a question of the highest importance to the happiness of my friends.

Philoctemon of Cephisia, the son of Euctemon, had so great a regard for Chærestratus, that he adopted him by will and appointed him successor to his estate: when, therefore, Chærestratus claimed his succession in due form (at which time any Athenian had a right to set up an adverse claim in a direct course of law, and, if he could prove a better title, would have enjoyed the fortune) this Androcles, instead of bringing a fair and regular action, entered a protestation that the estate was not liable to controversy, intending to prevent my friend from supporting his claim, and you from determining who is the rightful heir of Philoctemon:

temon: thus in a single cause and by a single decree he hopes to obtrude upon the deceased two fictitious brothers, who bear no relation to him; to possess the property himself without a competitor; to dispose as he pleases of Philoctemon's sister; and to destroy the efficacy of his testament.

Of the many audacious falsities, which the protestation of Androcles contains, that concerning the will shall be first confuted; and I will prove not only that Philoctemon made a will, but that he appointed Chærestratus to be his son and successor; for, as he had no children by his wife, as the war was carried on with violence, and as his frequent expeditions both by land and sea exposed him to continual danger, he resolved, lest his inheritance should become desolate for want of an heir, to nominate one by his will: his two brothers had both died childless; and one of his sisters, who had been many years married to Chæreas, had borne him no male child; but his other sister, the wife of my friend Phanostratus, had two sons, the elder of whom, Chærestratus, he adopted as his own, and declared in his testament, that, if his wife was not delivered of a son, Chærestratus should have his estate. This will, which he deposited with his brother-in-law Chæreas, shall now be read to you; and then attend to the witnesses who were present at the execution of it. THE WILL. EVIDENCE.

You have heard the proof of his will, and have observed how his estate is given by it to my client: now to prove that he had a power of making such a testamentary disposition, the law itself shall be produced, from which you will easily perceive the justice of the whole transaction. THE LAW.

This law, judges, which equally binds us all, permits every man, who has no legitimate children, to dispose by will of his property,

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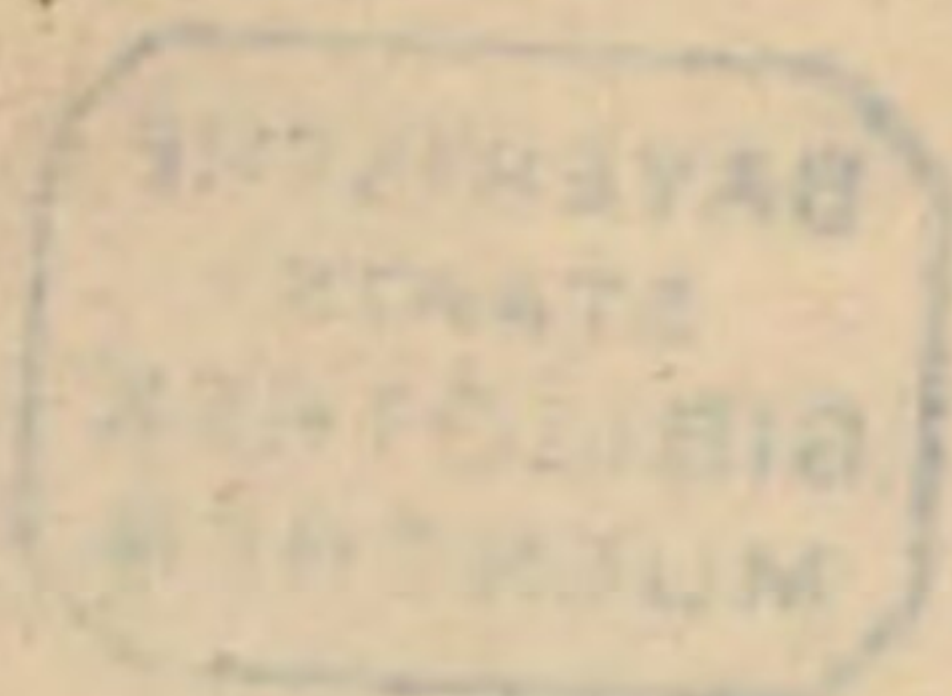
unless



unless his faculties be impaired by age, or by disorder, or by any of the infirmities which are specified in the law: now that Philoctemon had not one of these infirmities, I will in few words demonstrate; for what man can have the hardness to impeach the understanding of so excellent a citizen, who, while he lived, received the highest honours from you, was advanced to the most important offices, and died in battle against your enemies? That he made his will then in his perfect senses, as the law permitted him, you have heard clearly proved; so that on this head the false assertions of Androcles are apparent: but, as he has protested also that Antidorus was the legitimate son of Euctemon, this too I will show to be untrue.

Euctemon, judges, had no other sons than Philoctemon, Ergamenes, and Hegemon; he had also two daughters; and their mother was the daughter of Mixiades the Cephisian: these are known to all his acquaintance, to those of the same ward, and to many of the same borough, as they will presently give in evidence; but, that he ever married another woman, of whom Antidorus was born, no man can pretend to know or ever to have heard in the lifetime of Euctemon. The relations of the family must have known all that passed, and we may suppose them to be the most credible witnesses: call them, therefore, first; and then read the depositions of others. WITNESSES and DEPOSITIONS.

Yet further: I will convince you, that our opponents themselves have in fact given the same evidence; for, at the examination before the Archon, when they deposited the stated sum, and contended that these young men were the legitimate sons of Euctemon, being asked by us, who was their mother, and whose daughter she was, they were unable to inform us, though we protested against their allegation, and the Archon pressed them to answer, as the law required. Could they, indeed,



indeed, be allowed, judges, to contend and protest that the sons were legitimate, when they could not declare, who their mother was, nor mention any one of her relations? Then, to be sure, they delayed the suit by pretending, that she was a Lemnian; but, when they came afterwards to be re-examined, they said, before any question was proposed, that the mother of the young men was Callippe, the daughter of Pistozenus; thinking it sufficient to pronounce a name, which they had probably invented: when we asked who this Pistozenus was, and whether he was living or not, they answered, that he died fighting in Sicily, and left his only daughter to the care of Euctemon, to whom, while he was her guardian as well as husband, she bore these two sons. A most audacious assertion, and palpable fiction! as I will prove to you by their very answers at the examination; for two and fifty years have elapsed from the Archonship of Arimnestus, when our armament embarked for Sicily, and the elder of these youths, whom they pretend to be the sons of Euctemon and Callippe, has not passed his twentieth year: if then we deduct his age from the time since the Sicilian expedition, there remain above thirty years; so that Callippe could neither be in ward at that age, nor could she have remained so long unmarried and childless, but must have had a husband either by the authority of a guardian, or by an adjudication of the court. Besides, she must have been known by the friends of Euctemon, and by his servants, if she really was married to him and lived so many years in his house; for it is not enough to produce mere names at an examination, but it is necessary to show that the persons actually existed, and to prove their existence by the testimony of those who were connected with them: yet when we challenged them to summon any of Euctemon's friends, who knew that such a woman as Callippe lived with him or was his ward, and urged them to decide the controversy by the evidence of such domesticks as were still alive, or to deliver up to us any of their slaves, who might be compelled to disclose what they remembered of the transaction, they
would

would neither give up their own slaves to be questioned, nor take ours for that purpose. Officer, read their answer, together with our depositions and challenges. ANSWER. DEPOSITIONS. CHALLENGES.

So decisive a mode of proof have they declined ; but it shall be my care to inform you, who this woman and her children are, and to describe to you those, who have declared them to be legitimate, and are striving to procure for them the inheritance of Euctemon. It may perhaps be unpleasant to Phanostratus, to hear the misfortunes of his father-in-law opened to the court ; but it is expedient to say a few words concerning them, that, when you are apprized of the truth, you may be more able to decide according to justice.

Euctemon lived six and ninety years, the greater part of which time he passed with apparent prosperity ; for he had an affluent fortune, a wife and hopeful children, with other ingredients of happiness ; but in his advanced age he met with no small calamity, which threw his whole family into disorder, consumed a great part of his estate, and occasioned a dissension between him and his most intimate friends : what was the source of this evil, and in what manner it happened, I will explain as concisely as I am able.

He had a freedwoman, who inhabited a house of his in the Piræus, where she kept several female slaves, and among them one named Alce, whom, I fancy, most of you know : after this Alce had been bought, she lived many years in that house, but, when she grew older, was removed from it. While she continued there, one Dio, a freedman, was connected with her, and by him, as she herself declared, she became the mother of these two young men, whom Dio educated as his own ; till, having committed a great misdemeanor, and fearing a prosecution, he stole away to Sicyon : after which Euctemon gave Alce the care of his
house

house in Ceramicus by the little gate, where they sell wine. When she was sent thither, judges, she was the occasion of many and great disorders; for Euctemon, going frequently to collect his rents, passed a considerable part of his time in that house, and even sometimes sat at table with the woman, having left his wife and children in the house, which he usually inhabited; and, though his family were highly displeased, yet he persisted in his course, and spent his whole time with Alce, having either by poison, or by disorder, or by some other infirmity, so totally lost his understanding, that he was persuaded by her to offer the elder of her two boys to the men of his ward under his own name; but when Philoctemon opposed his admission, and the members of the ward refused to admit him, or to accept of the victim usually given on such occasions, the old man, being enraged against his son, and desiring to distress him, made a proposal of marriage to the sister of Democrates the Aphidnean, with an intent to educate and adopt her children as his own, if Philoctemon would not consent to have the other admitted: upon which his relations, knowing that he could have no more children at his age, but that supposititious sons might be produced, which would raise still more violent animosities, advised Philoctemon, judges, to give his consent that his father should introduce the boy to the ward, as he desired, and allot a farm for his support. In this advice Philoctemon acquiesced, heartily ashamed of his father's dotage, but not knowing how else to secure himself from the calamity which threatened him: when therefore an agreement was made to that effect, and the boy was admitted as a member of the ward, Euctemon dropped his project of marrying, by which he showed that his design had not been formed with a view to having children of his own, but for the sake of admitting the bastard of his mistress; for what occasion, judges, had he to marry, if, as they insist, he had sons born in wedlock with a citizen of Athens? Who could have prevented his admitting them to their freedom? Why should he introduce them upon certain conditions, when the law had ordained,

ordained, that all children, begotten in matrimony, should have an equal share of their paternal fortune? Or why, lastly, did he admit into his ward the elder only of the boys, and pay no regard to the younger, whom from the day of his birth he had not mentioned either to Philoctemon whilst he was alive, or to any of his friends? These are the men, Androcles, whom you have averred, in your protestation, to be the legitimate sons of Euctemon. Now, to prove the truth of my assertions, let the depositions be read. DEPOSITIONS.

After this transaction Philoctemon was slain at Chios in a naval engagement, in which he had the command of a galley; and Euctemon declared, in open court, that he was desirous of recording his agreement with his son; at the same time Phanistratus, accompanied by his kinsman Chæreas, was on the point of sailing with the fleet, which Timotheus conducted; and the vessel, which he commanded, was just weighing anchor at Munichia, when Euctemon went thither attended by some friends, and, having written a will declaratory of the conditions on which he adopted this Antidorus, he deposited the instrument with his relation Pythodorus of Cephisia. Now, that he acted in this manner, not as if he had legitimate children, both Androcles has proved, and the fact itself sufficiently demonstrates; for no man bequeaths any thing as a legacy to his own sons, since the law gives every son the possessions of his father, and permits not any man, who has children begotten in wedlock, to dispose of his estate by will.

When the writing had lain almost two years with Pythodorus, and Chæreas in the mean time was dead, these associates, being subservient to the inclinations of Alce, perceiving the property of Euctemon to be continually wasted, and concluding from his dotage, that a fair opportunity presented itself, began their attack in concert; and first they prevailed with Euctemon to revoke his will, as disadvantageous to the boys; because

because his daughters only and their children would inherit his visible property, but, if he sold part of his land and left the sum which he received for it, the adopted son and his friends would take firm possession of the money. The old man, persuaded by this reasoning, demanded his will of Pythodorus, and instituted a suit for the production of it: when Pythodorus, therefore, appeared before the Archon, Euctemon declared that he wished to cancel his will; and his kinsman assured both him, and Phanostratus who was present, that he did not oppose his intention, but, as Chæreas, who had joined with Euctemon in depositing the will, had left a daughter, he thought it proper to defer the revocation of it till she could give her consent, and have a husband or guardian who might confirm her act: as the Archon was of the same opinion, Euctemon, having made a declaration before the magistrate and his assessors, in the hearing of many witnesses whom he called, that his testament was no longer valid, left the court.

Soon after this they proceeded to those acts, with a view to which they had persuaded him to rescind his will: they sold the Athmonian estate for seventy-five minas to Antiphanes; the Serangian bath to Aristolochus for thirty; and the house in the city, which had been mortgaged for four and forty minas, they conveyed to the hierophant: next they disposed of his goats, together with the goatherd, for thirteen minas; and two carriages to be drawn by mules, one for eight minas, and the other for five and a half; not omitting any of the slaves, who worked for his benefit. The sum, which they collected from the sale of these effects very soon after the death of Philoctemon, amounted to more than three talents. I will now call witnesses, who will swear to the truth of all my assertions. EVIDENCE.

Thus were these possessions aliened: the destruction of the rest they soon meditated, and contrived for that purpose the most infamous artifice,
to

to which you should particularly attend ; for, perceiving that Euctemon was entirely superannuated, and could not even rise from his bed, they deliberated how they might after his death effectually secure his property to themselves. What was the result of this deliberation ? They announced the two boys to the Archon as having been adopted by the two deceased sons of Euctemon ; and, feigning themselves to be their guardians, petitioned the magistrate that the lands and houses of those orphans might be exposed to auction, so that some part of their estate might be let, and some of it pledged as a security for the rents ; that the latter might be distinguished by columns and inscriptions, and that they themselves, while Euctemon was alive, might receive the profits. As soon therefore as the courts were full, the magistrate caused the auction to be proclaimed, and a party of these conspirators began to bid for the lots ; when some, who were present, ran to inform our friends of the contrivance, and they, coming without delay, apprized the judges of the whole transaction : upon this the court would not suffer the houses to be let ; but, if the scheme had not been detected, the whole estate would have been lost. Call those who were witnesses of this affair. EVIDENCE.

Before these men were connected with this artful woman, and, in conjunction with her, conspired against Euctemon, he possessed so large an estate, that both he and his son Philoctemon filled the most expensive offices for your service, and were so far from aliening their ancient possessions, that they were continually making new purchases with the money, which they had saved ; but, when Philoctemon died, such was the disorder which prevailed, that not half of his former estate remained, and the rents were all extinguished. Nor were they satisfied, judges, with consuming this property ; but, as soon as Euctemon was dead, and his body was lying in the house, they were audacious enough to detain the servants with them, that his death might not be mentioned to his daughters, or to his widow, or to any of his relations ; while they,
together

together with Alce, removed all the money and furniture to the next house, which had been rented, and was then inhabited, by one of their crew, this very Antidorus; nor, when the widow and daughters heard of Euctemon's death from others, and came to the door, would they suffer them to enter; but insisted, that it was not their business to bury the deceased. Thus were they prevented from going in till just before sun set; and when they entered, they found the body, which had lain, as the servants declared, unburied for two days, and perceived that all the goods had been removed by these confederates. The women, therefore, employed themselves, as their duty required, in preparing the corpse for burial, while my clients were showing to some friends, who accompanied them, the miserable condition of the house; and asked the servants, in the presence of the associates, to what place the effects had been carried: when they answered, that Androcles and the rest had conveyed them to the house next adjoining, Phanostratus and his companions thought it necessary to make a legal enquiry into the robbery, and demanded the slaves, who had carried the goods, to be delivered up to them; but the contrivers of the mischief would not consent to this act of justice. In confirmation of my narrative, read these depositions, and this inventory of the goods which were removed.

DEPOSITIONS. INVENTORY. Thus having conveyed so many valuable effects from the house, having received the money arising from the sale of so large an estate, and having divided among themselves the rents which became due in so long an interval, they imagine that they shall be masters of the whole; and to such a height of confidence have they advanced, though they durst not meet us in a direct form of action, that they have averred the legitimacy of our two opponents by way of protestation; not considering, that they speak both falsely and inconsistently with their previous conduct; since, when they appeared before the Archon, they styled one of them the adopted son of Philoctemon, and the other of Ergamenes, whereas they now protest them both to be the sons of Euctemon: yet had they been lawfully begotten, and

had they been adopted, as they first alledged, not even then could they have been called the sons of Euctemon; for the law forbids a son by adoption to return into the family, from which he was emancipated, unless he leave a legitimate son of his own in the family which adopted him; so that, even from their own behaviour, it is manifest, that their evidence is false. If they had then completed their scheme of letting the houses, my clients would now be precluded from asserting their right; but as the judges declared that it was not their business to let them, these men have not ventured to dispute our title in a regular course of law, but have protested, with excessive audacity, that the very persons whose claim you rejected were lawful heirs to the estate. Observe too the assurance of Androcles, who first claimed for himself the daughter of Euctemon, as if she had been the heiress, and insisted on his right to a fifth part of the property, as if it had been liable to litigation, yet has now averred that Euctemon left a legitimate son. Has he not by this clearly convicted himself of having given false evidence? He certainly has; for had a son of Euctemon begotten in wedlock been living, his daughter could not have been heiress, nor could the estate have been open to controversy: to prove that he first made such a claim, these depositions shall be read to you. EVIDENCE.

The very reverse, therefore, has now happened of that which the law ordains; for it is enacted, that, from the Archonship of Euclid, no male or female bastard shall have any right of consanguinity either in civil or sacred matters: but Androcles and Antidorus think themselves entitled to strip the daughters of Euctemon and their sons of their inheritance, and to seize the possessions both of him and of Philoctemon; while this woman, who impaired Euctemon's understanding, and has possessed herself of so vast a sum, has insolence enough, through their persuasion, not only to undervalue her late master's friends, but even to treat the whole city with contempt. A single circumstance, which you shall

shall hear, will easily convince you of her lawless impudence ; but first let the law be read. THE LAW.

This ordinance, judges, have you so piously and solemnly made, thinking it of high importance to the state, that Ceres and Proserpine, as well as all the other deities, should be adored with reverence ; but the mother of my adversaries, who was confessedly a slave, whose whole life had been marked with infamy, and who consequently ought neither to have entered the temple, nor to have seen any thing that it contained, had the boldness, when divine rites were performed to these goddesses, to accompany the procession, to walk into the temple, and to inspect what it was unlawful for her to see : the decree of the senate concerning her proves the truth of my allegations. THE DECREE.

You must then consider, judges, whether a son of this woman should succeed to the estate of Philoctemon, and perform holy ceremonies at his tomb, or the son of his own sister, whom he had himself adopted ; and whether the sister of Philoctemon, who was married to Chæreas, and is now a widow, should be at their disposal, either to be given in marriage to any man, whom they chuse, or to grow old in a state of widowhood, or whether she ought not, as a legitimate daughter, to be disposed of by yourselves as your wisdom shall direct : on this point must your judgment now be given, for to this dangerous crisis are my clients reduced by the protestation. Should these confederates fail of success in the present contest, and should the estate be declared open to controversy, they may again bring the question before you in another action : yet, if a will was made by Philoctemon, which he had no power to make, his power ought now to have been disputed ; but, if he undeniably had such a right, and the fact only of his having devised his property be denied, they should not have opposed our claim by this collateral mode of litigation, but should have brought the matter in due form to a regular
issue.

issue. At present, what clearer method can be found of proving this man's testimony to be false, than by interrogating him thus? Whence, Androcles, do you know, that Philoctemon neither made a will nor adopted Chærestratus? For it is reasonable, judges, that a man should give evidence of those transactions of which he was eye witness, or he may on some occasions even repeat what he has heard from others. You have expressly averred, that Philoctemon never made a will and died childless; but how is it possible, judges, for this to be known by him? It is the same, as if he were to aver, that he knows what all of you are doing every day. This at least, audacious as he is, he will not assert, that he was perpetually in Philoctemon's company, and knew every action of his life; for of all men living the deceased abhorred him most, both for his general improbity, and because he alone of all his relations conspired with Alce to embezzle the goods of Euctemon, and acted in concert with her in the manner before described.

Above all it must necessarily move our indignation, that they should so impudently abuse the name of Euctemon, the grandfather of Chærestratus; for if, as they alledge, Philoctemon had no power to appoint an heir, and if the estate was Euctemon's, is it not more just that his possessions should be inherited by his daughters, who were indisputably legitimate, and by us, who are their sons, than by men, who bear no relation to him, and who are confuted not only by our arguments, but also by the conduct of these provident guardians? This, judges, I supplicate and adjure you particularly to remember, as I before related it, and as you have it in evidence: that Androcles first declared himself their guardian, as if they were the legitimate sons of Euctemon, and then claimed for his own use the property of their supposed father: now, in the name of the immortal gods, is it not abominable, judges, that, if these men be legitimate, their guardian should claim for himself both their fortune and the daughter of the deceased Euctemon, as if she was the

the object of a judicial contest, and that, if they are illegitimate, he should now make an averment of their legitimacy? These are plain contradictions: so that the falsity of his testimony has been proved not only by witnesses, but also by his own behaviour.

As to Chærestatus, no man gives him assistance by protesting that the estate is not open to litigation; but he desires to proceed in the regular course; while this fellow prevents all others from asserting their claims, and, having averred that Euctemon left children begotten in matrimony, imagines that you are to be deluded with impertinent digressions, believing that, if he wholly omits the material heads of argument, or very slightly touches them, but pours forth his abuse against us with a loud voice, and exclaims that my clients are rich, whilst he is indigent, it will instantly appear to you, that the children were legitimate. Now my clients, judges, have spent a greater part of their fortune in the service of the state, than for their own advantage: seven times has Phanostratus equipped a galley; he has served all the publick offices, and obtained many honours for the magnificence of his shows. Chærestatus too, when he was very young, furnished a vessel at his own expence; since which time he has conducted the theatrical entertainments, and presided over the exercises at the festival of Torches. Both of them have brought their contributions among the citizens of the richest class; hitherto they have served together, and now the younger of the brothers conducts the chorus in the tragedies, has been enrolled among the three hundred, and contributes his share to defray the publick charges; so that my friends ought not to be envied; but these associates themselves, I swear by Jupiter and Apollo, will be far juster objects of envy, if they obtain what they have no right to claim; for, should the fortune of Philoctemon be decreed to Chærestatus, he will dispense it liberally for your benefit; and, as he has hitherto done, or even with greater alacrity, will sustain every burden, which you shall

shall impose upon him : but should these men be masters of such an estate, they will begin by dissipating it, and end with claiming again the property of some other person. I therefore entreat you, judges, lest you should be deceived by these confederates, to pay a scrupulous attention to their protestation, concerning which you are now to decide ; and command them to make their defence consistent with that writing, as we have opened our charge in conformity to it : they have there averred, that Philoctemon neither aliened nor devised his estate, which averment has been proved false ; for we have shown that he both made a will and disposed of his fortune, as those, who were present at the transaction, have testified. What else have they asserted ? That Philoctemon died without children—yet how can a man be said to have died childless, who had adopted his nephew as his son, to whom the law gives his inheritance as regularly as if he were an immediate descendant ? And it is expressly ordained, that, if a man having a son by adoption, has afterwards another child, both of them shall equally inherit his possessions. Let him demonstrate, therefore, the legitimacy of these children, as each of you can demonstrate his own : for this is not proved by mentioning the mother's name, but by declaring the truth, by producing the relations, and those who know that she was married to Euctemon ; by examining the members of the same borough and ward, if they have at any time heard, or can say from their own knowledge, that he was at any publick expense on her account ; by informing you where she was buried, where her monument stands, and where her children, who survived her, still perform sacred rites ; by showing, lastly, who saw such rites performed by Euctemon, and who, either among the servants or among the citizens in general, knows any of these transactions. All this would be a proof, but mere invective is none ; and, if you compel my antagonist, judges, to prove the very facts, which he has averred to be true, you will make a pious decree according to the laws, and my clients will obtain substantial justice.

SPEECH

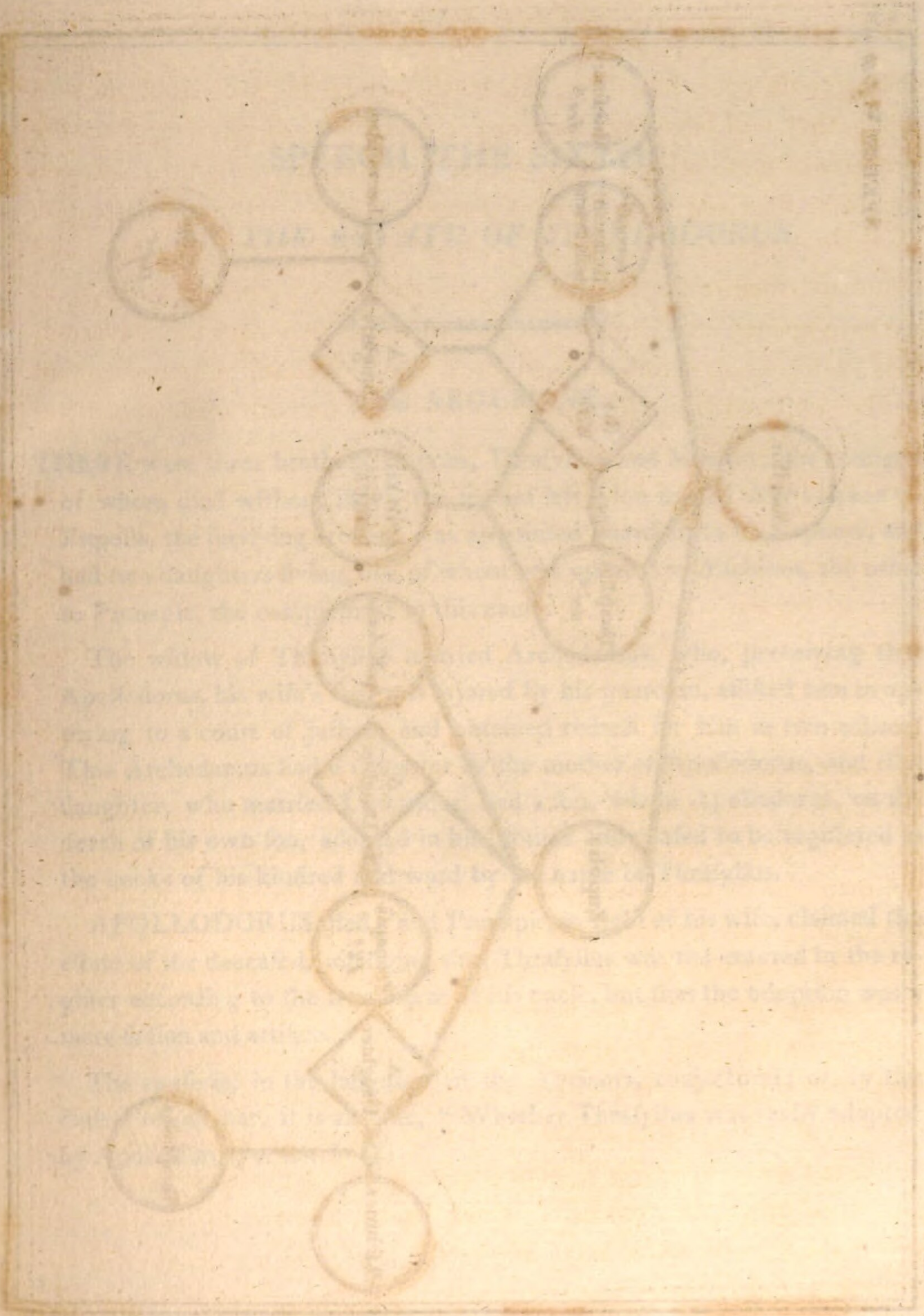
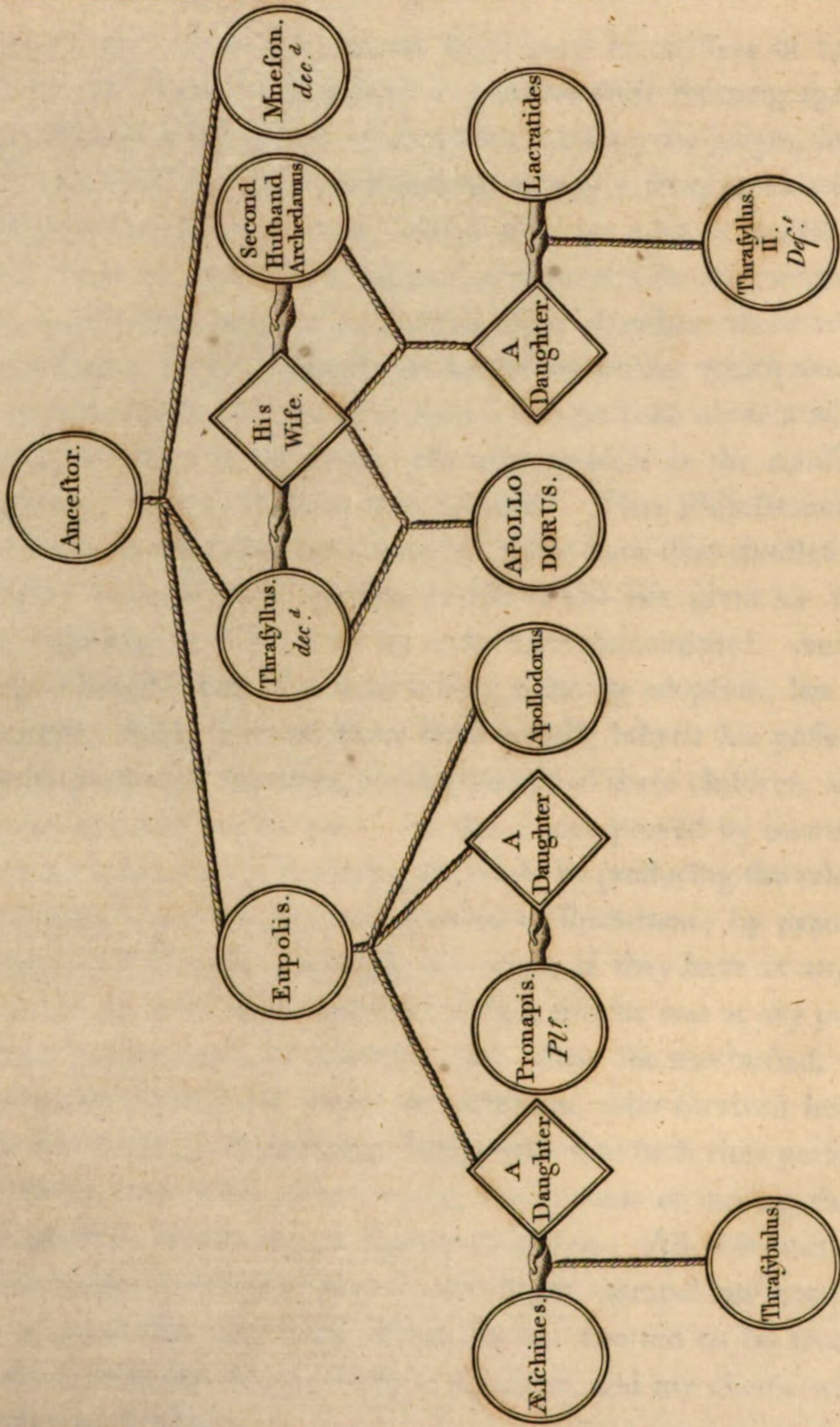


Diagram of the human body

Fig. 11



SPEECH THE SIXTH.
ON THE ESTATE OF APOLLODORUS.

THE ARGUMENT.

THERE were three brothers, Eupolis, Thrasyllus, and Mneson; the youngest of whom died without issue; the second left a son named APOLLODORUS. Eupolis, the surviving brother, was appointed guardian to his nephew, and had two daughters living, one of whom was married to Æschines, the other to Pronapis, the complainant in this cause.

The widow of Thrasyllus married Archedamus, who, perceiving that Apollodorus, his wife's son, was injured by his guardian, assisted him in applying to a court of justice, and obtained redress for him in two actions. This Archedamus had a daughter by the mother of Apollodorus, and that daughter, who married Lacratides, had a son, whom Apollodorus, on the death of his own son, adopted in his lifetime and caused to be registered in the books of his kindred and ward by the name of Thrasyllus.

APOLLODORUS died; and Pronapis, in right of his wife, claimed the estate of the deceased, alledging that Thrasyllus was not entered in the register according to the true intent of his uncle, but that the adoption was a mere fiction and artifice.

The cause is, in the language of the Ancients, conjectural; or, in the dialect of our bar, it is an issue, "Whether Thrasyllus was really adopted by Apollodorus, or not."

SPEECH THE SIXTH.

Thrasyllus against Pronapis.

I DID imagine, judges, that such adoptions as were made by a man in his perfect senses, who had conducted his adopted son to the shrine of his ancestors, had presented him to his kinsmen, had inserted his name in their common register, and had performed in person all the usual ceremonies, were not to be controverted in a court of justice; but that, if a man, apprehensive of his approaching end, had bequeathed his estate to another, had sealed his testament, and committed it to the care of a friend, the validity of his will might afterwards be justly disputed; since by the former mode of alienation the intent of the party is openly manifested, and the whole transaction made valid by the law, while the intention of a testator, being more secretly and obscurely expressed, is liable to suspicion; whence many have contended against the claimants under a will, that the instrument itself was forged and void: but I now perceive this distinction to be of little avail; for, though my adoption was a fact of general notoriety, yet the daughter of Eupolis with her husband and their advocates come to contest my right to the possessions of Apollodorus.

Now had I observed, that you were better pleased with the oblique form of a protestation than with a direct course of proceeding, I could have produced witnesses to prove that my right was incontestable; because I am the son of the deceased by a regular adoption; but as I am sensible that the true merits of the cause cannot be known by this method, I come to inform you of the whole transaction, and shall thus preclude them from the power of imputing to me an unwillingness to meet them on the fairest ground: I will demonstrate then,
not

not only that the many injuries, which Apollodorus had sustained from his nearest relations, prevented him from leaving his fortune to them, but that he legally and justly adopted me, who am his nephew, and the son of his greatest benefactor.

I entreat you all, judges, to indulge me with a benevolent hearing; and, if I convince you, that these associates have most audaciously claimed an estate to which they have no colour of title, assist me in obtaining justice: I will speak as concisely as I am able, in relating the whole affair from the beginning of it.

Eupolis, judges, Thrasyllus, and Mneson, had the same father and mother; and their patrimony, which they divided equally among themselves, was so considerable, that each of them was appointed by you to fill the most expensive offices: two of these brothers perished nearly at the same time; Mneson died in the city, unmarried and childless; and Thrasyllus, whose son Apollodorus afterwards adopted me, fell in the Sicilian expedition, in which he had been elected to command one of our gallies. The surviving brother, Eupolis, seized for his own use no small part of the inheritance: he took for himself, under the pretence of a legacy, the whole of Mneson's property, one half of which belonged to Apollodorus; and so faithful was he in his guardianship, that he was condemned to refund three talents, of which he had defrauded his nephew; for my grandfather Archedamus, who had married the mother of Apollodorus, and was grieved to see him stripped of all his fortune, took both my grandmother and him to his house, where he gave him an education, as if he had been his own son, and, when he was adult, assisted him in claiming a moiety of Mneson's estate, and all the effects of which this careful trustee had deprived him. Thus, having obtained a decree for him in two suits, he recovered his whole patrimony; on which account Apollodorus retained a violent enmity

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against Eupolis, as long as he lived, whilst a firm friendship subsisted, as it ought, between him and Archedamus: but from his subsequent conduct we may draw the most certain conclusion, that Apollodorus was desirous of rewarding his benefactors for the advantages which they had procured him; for, when my grandfather had the misfortune to be made captive by the enemy, Apollodorus contributed largely towards the payment of his ransom, and even gave a hostage for him, till he was able to raise the whole sum; after which, when Archedamus was reduced from affluence to urgent necessity, this truly grateful man undertook the management of his affairs, giving him a competence out of his own fortune. Yet more; when he was going with the army to Corinth, he left his estate by will to his half-sister, whose son I am, and gave her in marriage to Lacratides, who has since been appointed hierophant: such were his kindness and gratitude towards us, who had originally preserved him from ruin. Now that my assertions are true, and that Eupolis was actually cast in two actions, one for his dishonest guardianship, and the other for a moiety of Mneson's property, in both which causes my grandfather was the adviser and advocate of Apollodorus, who by our means recovered his possessions, and afterwards requited the obligation with such liberality, I will prove by the clearest evidence: call the witnesses hither. WITNESSES.

Such then and so great were the benefits, which we had conferred on him; but such was his hatred of Eupolis, who had attempted to rob him of so large a fortune, that there was no possibility of a reconciliation between them, nor can it be alledged that their connection was ever restored: of their unalterable antipathy there cannot be a clearer proof, than that Eupolis, who was descended from the same common ancestor with Apollodorus, and knew him to be a wealthy man, offered him neither of his two daughters in marriage; yet such alliances have a natural power to appease the animosities not of relations only, but of
any

any indifferent men, when they intrust each other with the dearest pledges of their affection: whether Eupolis, therefore, was to blame for not offering his daughter, or Apollodorus for not accepting her, this fact alone proves the continuance of their dissension.

What has already been said concerning their disagreement, will, I think, be sufficient; for I am persuaded, that many of the oldest among you recollect their disputes and litigation; since the importance of the causes, and the two decrees which Archedamus obtained against Eupolis, gave celebrity to the affair: but I request you, judges, to hear with attention the proofs, that he adopted me in his lifetime and in person, and that he appointed me successor to his estate, having inscribed my name in the records of his family, and in the publick register of his ward.

Apollodorus had a son, whom he both educated and cherished, as it became him; and whom he hoped to leave heir to his fortune; but the boy dying of a severe illness in the month of December in the last year, his father depressed by so cruel a misfortune, and despairing at his age of having another child, called to his remembrance that family, from which in his youth he had received a signal obligation; and, going to my mother, his half-sister, for whom he had the tenderest regard, he declared his intention to adopt me, and requested her to resign me to him as his son: she granted his request; and so eager was he to execute his resolution, that he carried me instantly to his own house, and intrusted the whole management of it to my care; considering, that he was no longer capable of superintending all his affairs in person, and that I grew continually more and more able to transact them. At the festival of the Thargelia, therefore, he conducted me to the altars among those of the same family and ward: now it is a rule with them, that whoever introduces to them either his own son, or a son by adoption, must

must swear by the sacred rites, that the person introduced was born of an Athenian citizen in lawful marriage; when this oath has been taken, the other members of the society determine by ballot whether he shall be admitted; and, if they decide in his favour, he may then, but not before, have his name inscribed in the register: with such exactness are their ordinances and customs observed. This then being their law, the whole assembly, not doubting the veracity of Apollodorus, to whom they had administered the usual oath, and knowing that I was the son of his sister, voted unanimously for the enrollment of my name; and thus was I adopted by him in his lifetime, as the law permitted him to adopt me, and registered by the name of Thrasyllus, the son of Apollodorus: read these depositions, which prove the truth of what I have related. DEPOSITIONS.

I supposed therefore, judges, that you would readily give credit to the witnesses, who have sworn, and to his relations, whose behaviour has manifestly declared, that Apollodorus performed the ceremony of my adoption conformably to law; for Eupolis left two daughters; one, who was married to Pronapis, and is a claimant in this cause; and another, the wife of Æschines the Lufian, who died leaving a son, then of full age, named Thrasylbulus: now there is a law, that, if a brother by the same father die childless and intestate, his effects shall be divided equally between his surviving sister, and the son of another sister, who died before him; nor were my opponents ignorant of this law, as their very conduct has manifested; for, when the son of Eupolis was dead without children, Thrasylbulus took a moiety of his estate, which may be fairly estimated at five talents. Thus the law gives the sister and the sister's son an equal share of their father's and their brother's fortune; but, when a cousin dies, or any kinsman in a remoter degree, the male relations are called to the succession before the female; for it is enacted, that males and the children of males, if any be living, shall be preferred, although

although they are less nearly related to the deceased. The wife, therefore, of Pronapis ought not to have claimed even a part of this inheritance, but Thrasylbulus would have contended for the whole, if he had not thought my adoption valid; whereas he neither at the beginning disputed my title, nor at any time since has claimed the fortune of Apollodorus, but confesses that I was legally appointed his successor; whilst her advocates have attained such a height of impudence, that they have presumed to claim the whole estate. Take the laws, which my adversaries have violated, and read them to the court. **FIRST LAW.** By this law the surviving sister and her sister's son are entitled to an equal share of their brother's property. Now read the other, by which females are excluded in the succession to the fortune of their cousins. **SECOND LAW.** Read this also which enacts, that, if there be no first nor second cousins on the part of the father, those on the mother's part shall succeed to the estate according to the rules there expressed. **THIRD LAW.**

Such being the law, this male relation has not even claimed a part of the inheritance, while the husband of a female has contended in her right for the whole: thus imagining, that mere audacity will avail them, they push it to any length in this cause, and alledge, as a reason for their exorbitant demand, that Thrasylbulus was adopted into the house of Hippolochides, and emancipated from his own; which I allow to be true, but insist that it is nothing to the purpose; for how was he less entitled to claim this estate? It was not in right of his father Æschines, but of his mother, that he succeeded to half the fortune of Apollodorus, the son of Eupolis; and by the same right he would have made a just claim to the present succession, as he was preferred to any female claimant, had he not been convinced, that my adoption was legal and regular; but Thrasylbulus is not so daring: now a title to a maternal estate is not lost by emancipation, but every man continues to have

have the same mother, whether he remain in his father's house or be emancipated; so that he was not deprived of his succession to his maternal uncle Apollodorus, but received an equal portion with the surviving daughter of Eupolis, as the witnesses, whom I shall now call, will prove. EVIDENCE.

It is apparent then, that not only the men of the same family and ward bore testimony to my adoption, but that Thrasylbulus himself has in fact acknowledged, by not claiming the fortune, that he believed the act of Apollodorus to be conformable to law, and consequently valid; for, if that had not been his opinion, he would never have waived his right to so large an inheritance: of this transaction I can produce other witnesses; for, before my return from the Pythian games, Apollodorus apprized his fellow-burgesses, that he had appointed me his heir, and had enrolled me among the members of his ward; informing them at the same time, that he had committed his estate to my care, and requesting them, if any accident should befall him, to enter me in the public register by the name of Thrasyllus the son of Apollodorus, and by no other name. When they heard this declaration (though the friends of Pronapis complained in their assembly, and disputed the validity of my adoption, yet) the burgesses, from their own knowledge of the fact, took the accustomed oath, and inserted my name in their register, as Apollodorus had enjoined them, being fully persuaded that my adoption was perfectly legal: call the witnesses to these facts. WITNESSES. So clear, judges, is the evidence of my adoption, an inveterate enmity having subsisted between the deceased and the family of Eupolis, and the strictest friendship having been maintained between him and us, to whom also he was nearly related: but, had he neither detested them nor loved our family, he would never, as I hope easily to convince you, have left his possessions to my antagonists; for all they, who think their end approaching, look forward with a prudent care that their houses may not become

become desolate, but that there may be some person to attend their funeral rites, and to perform the legal ceremonies at their tombs; if, therefore, they have no children, yet they leave heirs by appointment; nor is this merely the custom of private men, but it is ordained by the publick and common laws, which command the Archon to provide that families be not extinguished: now Apollodorus was perfectly sensible, that, if he were to leave his estate to these men, he should occasion the desertion of his house. Why so? Because he had seen these two sisters inherit the possessions of Apollodorus their brother, without appointing a successor to him, although they had sons of their own, whom they might have appointed; he had seen their husbands sell the lands and all the effects which they had inherited, to the amount of five talents, which money they divided among themselves, and he had observed the shameful and deplorable desolation of the family. Since then he saw that the memory of a brother was so little revered, how could he have expected, even had friendship subsisted between them, to be treated with due veneration, when he was a cousin only, and not a brother? He could not hope it. Now that they appointed no heir to support the family of that Apollodorus, yet are in possession of his fortune, and have wasted an estate, which was known to supply the expense of equipping gallies, the witnesses, who shall next be called, will give ample proof.

EVIDENCE.

If such therefore were their dispositions, and so violent was their enmity to Apollodorus, by whom I was adopted, how could he have acted more wisely than as he did act? Should he have taken a child from any of his friends, and left his property to him? Yet it would have been uncertain even to the parents of that child, by reason of his tender age, whether he would be a virtuous or a worthless man; but of my good qualities he had received a sufficient specimen; for he well knew, how affectionately I had behaved to my father and mother, how
attentively

attentively to my friends, how prudently I managed my own affairs, how far removed I had been in my magistracy from injustice or corruption: of all this he was fully convinced, when he committed his possessions to my care; nor was I a stranger to him, but his sister's son, nor were the benefits inconsiderable, which we had conferred on him; nor was I lowminded and unambitious enough to aliene his property, as my opponents have aliened the fortune of their brother, but was willing and eager, after his example, to furnish and command your ships, to lead your armies, to conduct your entertainments, to perform whatever you should order. If then I was his kinsman, his friend, and his benefactor, both of an exalted mind and of approved virtue, who can doubt that his adoption of me was the act of a prudent and a grateful man? Even in this very year I have performed one of those duties, which Apollodorus himself would have applauded: I presided over the exercises in the Promethean games with liberality and magnificence, as the whole tribe know, and as many of them will now testify. WITNESSES.

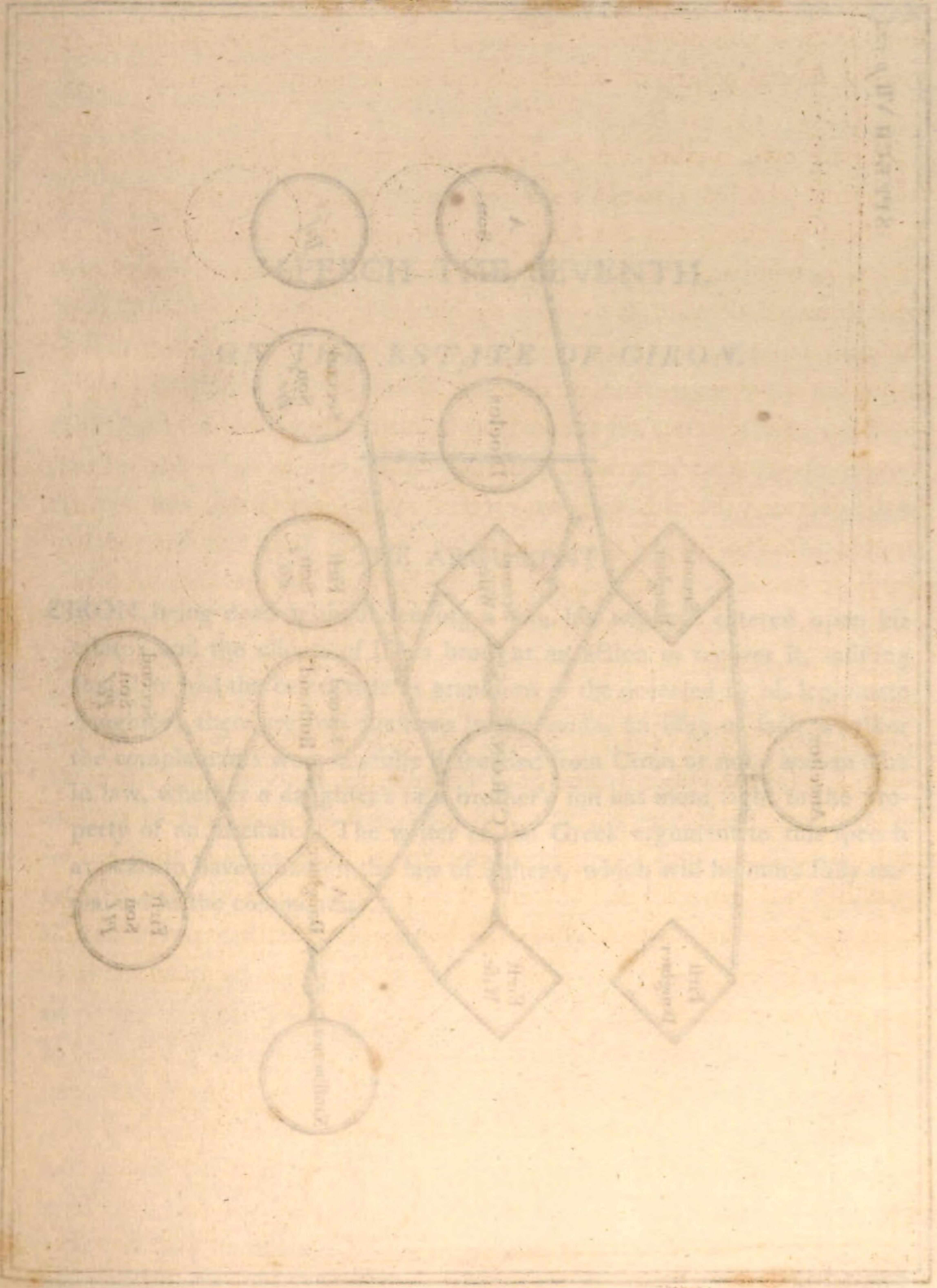
These, judges, are the lawful and reasonable grounds of our present claim: we therefore entreat you to assist us in supporting it, for the sake both of Apollodorus and of his father, whom you will find, if you reflect upon their conduct, to have been no useless citizens, but inspired with all possible zeal to promote your interest; for his father Thrasyllus not only filled every other expensive office, but continued, as long as he lived, to command a galley, which was not built by contribution, as many vessels are now made, but at his own expense; nor was he second only in the command, but stood alone; nor did he intermit his duty for two years, as he might have done, but performed it constantly; and not with negligence or in haste, but with the most splendid preparations; for which noble conduct you approved and honoured him, and, remembering his laudable actions, would not suffer his son to be stripped of his property, but compelled his false guardian to restore it. Nor was Apol-
lodus

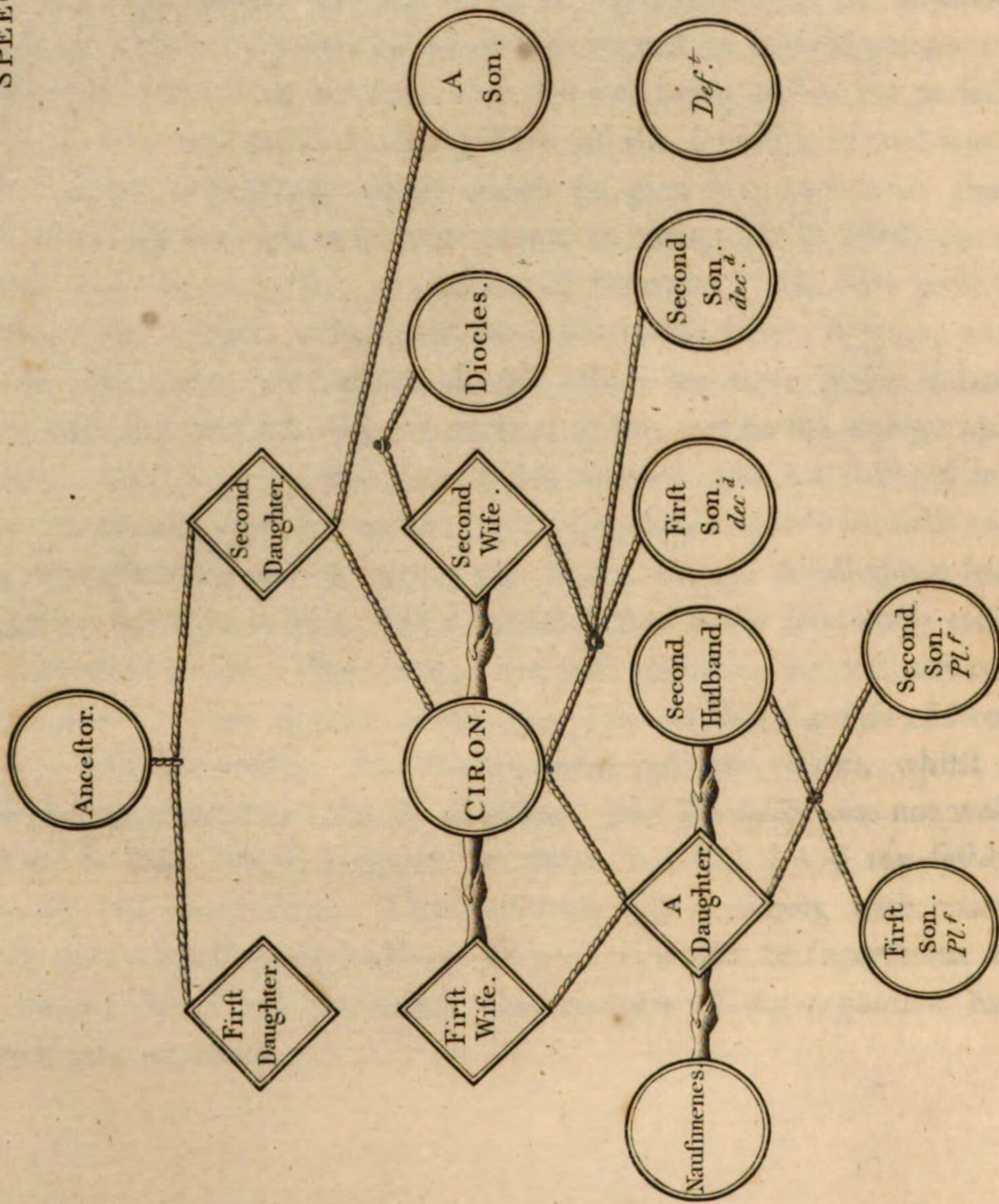
lodus himself like this Pronapis, who, to defraud the publick, pretended that his fortune was small, but taking his rank among those of the equestrian order, he sustained the charges of the highest magistracies; not endeavouring by violence to take the property of others, and contriving that you should reap no advantage from it, but openly declaring the full amount of his estate, and bearing with alacrity whatever burden you imposed: thus he strove to live with elegance on his own income, without injuring any man; thinking it incumbent on him to be moderate in his private expenses, that he might be able to dedicate the remainder of his fortune to the service of the publick. With this overplus what office did he not completely fill? What sum was he not the first to contribute? In what part of his duty was he deficient? He obtained the prize in the youthful games, which he conducted; and yonder tripod remains a monument of his liberality on that occasion. What are the duties of a virtuous citizen? To preserve his own fortune; not, like dissolute and abandoned men, to attack the property of others; and, if the state has need of supplies, to contribute among the first, without concealing any part of his possessions. Such then was Apollodorus; and you will make but a just return for his ardour in serving you, if you establish his adoption of me according to his clear intent: nor will you find even me, as far as my youth has qualified me for your service, either a bad or an idle citizen; for I have borne arms in all your expeditions, and continue to obey the commands of my country, as men of my age should obey them. For the sake, therefore, of Apollodorus and his father, as well as of me and my family, consider our cause with attention; especially as our adversaries have never furnished a single galley, but have dissipated and reduced to nothing an estate of five talents: whereas we have already filled your most chargeable offices, and will again fill them with eagerness, if you effectuate the intention of my uncle, and give me the estate, which he appointed me to inherit. That I may not seem tedious in expatiating longer on

these facts, I will descend, as soon as I have succinctly recapitulated to you the several points, on which we rest our respective claims.

As my own mother was the sister of Apollodorus, as an intimate friendship subsisted between us, never interrupted by any disagreement, I, whom he adopted as his son, when he was living and in his perfect senses, I, who was enrolled among those of the same family and ward with himself, demand the estate which he gave me, and desire that these men may not have it in their power to extinguish so illustrious a family: but what are the pretensions of Pronapis? He first took a moiety of the fortune, which had been left by his wife's brother, and now he claims this inheritance, though others are more nearly related to the deceased than his wife can pretend to be: yet he has neither appointed a son to supply the place of his brother, but has suffered his family to become extinct, nor would he have acted otherwise with regard to my uncle; and he makes this claim, though Apollodorus had so great an aversion to him, and a reconciliation never afterwards took place between them. This, judges, you will consider; and will also recollect, that I am the nephew of the deceased, and that the wife of Pronapis is only his cousin; that she has inherited two estates, whilst I succeed to this alone as a son by adoption; that she lastly was not well inclined to him, whose property we claim, but that I and my father were his real benefactors. Thus reflecting and reasoning with yourselves, give a sentence agreeable to justice: it would be superfluous to add more; for I am persuaded, that no part of my argument has escaped your attention.

SPEECH





SPEECH THE SEVENTH.

ON THE ESTATE OF CIRON.

THE ARGUMENT.

CIRON being dead without leaving a son, his nephew entered upon his estate; and the clients of Isæus brought an action to recover it, insisting that they had the better title as grandsons of the deceased by his legitimate daughter: there are two questions in the cause, an issue of fact, whether the complainants were lawfully descended from Ciron or not; and an issue in law, whether a daughter's or a brother's son has more right to the property of an intestate. The writer of the Greek argument to this speech appears to have mistaken the law of Athens, which will be more fully explained in the commentary.

SPEECH THE SEVENTH.

The Grandsons of Ciron against his Nephew.

IT is impossible, judges, to suppress our just indignation, when men are not only bold enough to claim the property of others, but even hope by their sophisms to refine away the sound rules of law, as our adversaries are now attempting to do; for, although my grandfather Ciron died not childless, but left me and my brother, the sons of his legitimate daughter, yet these men have both claimed his estate, as his next of kin, and insult us with asserting that we are not his grandsons, and that he never had a daughter in his life: to this audacity have they been incited by their sordid love of gain, and allured by the value of Ciron's estate, which they violently seized, and now unjustly possess; being absurd enough to alledge that he died in indigence, yet contending at the same time that they have a right to his fortune. Now I consider myself as contending in this cause, not with the nominal party to the suit, but with Diocles of Phlya, whose mad violence has procured him the name of Orestes; for it was he, who first instigated my opponent to give us this trouble, with an intent to deprive us of our succession to the property of our grandfather, and has thus exposed us to danger, that he may not be compelled to restore the goods which he has embezzled, if he can persuade you by his false allegations to pronounce your decree in his favour. These being their machinations, it is necessary for you to be informed of the whole transaction, that, when you are fully apprized of every circumstance, you may decide the cause from your perfect knowledge of it; and, if you have ever attended to any other cause, hear this, I intreat you, with attention: justice indeed requires it; for in the many suits with which Athens abounds, no man will be found to have invaded the possessions of another with more impudence and a greater contempt

contempt of decency than these confederates. It is no easy task, judges, for one, wholly void of experience in courts, to enter into a contest of so great importance against the premeditated quibbles of subtle speakers, and against witnesses prepared to violate the truth; yet I am not without hopes of being restored to my right by your sentence, and of speaking so far at least with tolerable propriety as to support my just demand, unless some such misfortune should befall me as I cannot even now help fearing: I supplicate you therefore, judges, to hear me with candour, and, if you think me injured, to redress the injury which I have sustained.

First, then, I will convince you, that my mother was the legitimate daughter of Ciron, and will prove by hearsay evidence what happened a long time ago, and by living witnesses what it is still possible for them to remember: to this I will add a number of circumstances, which are often more decisive than the testimony of fallible men; and when I have evinced the truth of this point beyond a doubt, I will demonstrate, that we have a juster claim than our adversaries to the estate of the deceased. I will begin my narrative from that part of the case, whence they also began their argument.

My grandfather Ciron, judges, married his first cousin, the daughter of his mother's sister, who bore my mother, and died three years after marriage. Ciron, having this only daughter, took for his second wife the sister of Diocles, by whom he had two sons: with her and her children my mother was educated, and, when she attained a proper age, was given by her father in marriage to Naufimenes of Cholargia, with a fortune of twenty-five minas, together with clothes and ornaments of gold. Three or four years after this, Naufimenes died of a violent disorder, leaving no children by my mother, whom Ciron received again into his family (but without her entire portion, as her husband had been

in

in distress) and gave her to my father with a fortune of a thousand drachmas. That all these transactions really passed, as I relate them, and fully disprove the false pretences on which our adversaries now insist, I discovered a method of evincing with the utmost clearness; for, whether my mother was, or was not, the daughter of Ciron, whether she made part of his family or not, whether he solemnized her two nuptials, and what fortune he gave with her to each of her husbands, all this must necessarily be known to his servants of both sexes: desiring therefore in addition to the evidence, which I shall adduce, to confirm these facts by an extorted confession, that you might give the greater credit to such witnesses as had previously exhibited a proof of their veracity, I proposed to my antagonists, that the male and female slaves should be questioned on the rack concerning their knowledge of these occurrences; but this very Diocles, who will presently intreat you to believe his witnesses, declined so easy a mode of discovering the truth. If then his refusal to accept my offer, which must be imputed to his fear of so decisive an investigation, be clearly proved, what remains to be thought of his witnesses? Nothing, in my opinion, but that they are foresworn: in proof of this fact, read first the deposition, which I have brought. DEPOSITION.

Now you are all, I believe, persuaded, that an inquisition by torture, both in publick and private causes, is the best and surest mode of investigating truth; nor, when both free men and slaves are present, and it is expedient to obtain a discovery of facts, is it your custom to examine the free men, but to rack the slaves, and thus to extort a true relation of all that has happened: in this respect you think and act wisely, judges; for you well know, that many persons examined in the usual form have given evidence indubitably false; but of all those, who have been exposed to torture, none have ever been convicted of falsehood: and will this most audacious of men request you to believe his artful

artful pretences, and his witnesses, who swear against truth, when he declines a mode of proof so exact and conclusive? Our conduct is widely different; and, as we first proposed to discover the whole transaction by the means of torture, to which proposal we have proved that they would not consent, we think it reasonable, that our witnesses should be credited. Read next these depositions, which prove my mother's legitimacy. DEPOSITIONS.

Whom can we suppose acquainted with what happened so long ago? Those, no doubt, who were intimate with my grandfather: their testimony then has been repeated by many who heard them assert the truth of it. Who must unavoidably know, that my mother was given in marriage? Those, who betrothed her, and those who were present at the time of the affiance: to this point, therefore, we have adduced the evidence of persons, who were connected both with my father and with Naufimenes. Who must be conscious that she was bred in the house of Ciron, and that she was his legitimate daughter? My adversaries themselves have shown this to be true, by declining the discovery proposed; so that you cannot justly disbelieve our witnesses, but have great reason to suspect the credibility of theirs.

To these arguments may be added many circumstances, which prove that our mother was the daughter of Ciron; for, as it became a man to treat the sons of his own daughter, he never made a sacrifice without us; but, whether he solemnized the greater festivals or the less, we were always present and always partook of them; nor were we invited to these only, but he constantly carried us into the country to the Dionysian feasts: with him we sat to view the games, and at his house we passed every holiday. Besides, he most assiduously paid his adorations to Jupiter the Enricher, into whose temple he admitted no slave whatever, nor any freemen who were not of his family, but conducted the whole ceremony

ceremony himself; yet even of this celebrity were we partakers, performing the holy rites together with him, and assisting him in the operations of the sacrifice: he then prayed the deity (as a grandfather would naturally pray) to grant us good health and ample gains; nor, had he not believed us to be his daughter's children, and the only lineal descendants, whom he was to leave behind him, would he have shown us this parental affection, but would have taken for his companion the man, who now pretends to be his nephew? The truth of all this must be accurately known by my grandfather's slaves, whom this man will not suffer to be interrogated on the rack; but the same facts were notorious also to some of his intimate friends, whose evidence shall now be produced: take their depositions, and read them to the court. DEPOSITIONS.

Nor from these transactions alone is it manifest, that our mother was the legitimate daughter of Ciron, but also from the conduct of our own father, and from the manner in which she herself was treated by the women of the same borough; for, when my father married her, he gave an entertainment, to which he invited three of his acquaintance, besides his particular friends, and presented those of his ward with the nuptial victim, according to their institutions: after this the wives of his fellow-burgesses elected her, together with the wife of Diocles the Pithian, to lead the procession and perform divine rites at the temple of Ceres; and my father, when we were born, introduced us to his ward, having previously sworn, as the law requires, that we were his sons by a citizen of Athens, whom he had legally espoused; nor did a single man of the ward, although many were present who scrupulously examine such matters, say a syllable against our admission, or entertain a doubt of his veracity. Now it cannot be imagined, that if our mother had been what these men falsely pretend, our father would have celebrated his connection with her by a nuptial feast and the usual sacrifice; he

he would rather have kept the whole affair secret ; nor would the matrons of his ward have chosen her, with the wife of Diocles, to perform their sacred rites and to preside over the solemnity, but would have given that respectable charge to another ; nor would the members of the ward have received us, but would have objected to our admission, and justified their objection, had it not been allowed on all sides, that our mother was Ciron's legitimate daughter : the truth, indeed, of this fact is now so apparent, and so many persons have a perfect knowledge of it, that it is no where disputed. Call up the witnesses, who will prove what I have last asserted. EVIDENCE.

Yet further, judges ; that we are the acknowledged grandsons of Ciron, the behaviour of Diocles himself, after my grandfather's death, will clearly demonstrate ; for I went, accompanied by one of my friends, a cousin of my father, to bring the body to my own house, from which I intended to begin the funeral procession : Diocles was not within ; but, when I entered, and was directing the assistants, whom I had brought, to remove the corse, my grandfather's widow intreated me to begin the funeral from her house, offering to assist us in laying out and embalming the body : she wept and supplicated, judges, till she prevailed ; and, meeting Diocles, I told him before witnesses, that, as his sister had requested me, the remains of Ciron should be carried to the place of burial from the house in which he died : to this he made no objection, but said that he had brought some things necessary for the funeral, and had given earnest for them ; he therefore exacted a promise from me to pay what they cost, and desired me to give him back the earnest, engaging to bring me to those who had received it of him : soon after indeed he affected to insinuate, that Ciron died insolvent, though I had not then spoken a word about his fortune. Now if he had not known me to be the grandson of Ciron, he would never have made such an agreement with me, but would rather have addressed me

thus.—What man are you? What concern have you with the burial? I know you not: come not within my doors. This he should then have said himself, which he has now suborned others to say: nothing however of the kind was even intimated by him, but he requested me to bring him the money on the next morning; and here, to prove the truth of this narrative, let the witnesses be called. EVIDENCE.

Nor was he alone silent on this head; but even the present claimant of the estate advanced nothing in opposition to my right, till he was instigated by this fellow to dispute it; for when I carried the money on the following day, Diocles refused to accept it, alledging that he had received it from my adversary; yet I was not prevented from joining in the funeral rites, but assisted at the whole ceremony; the expenses of which were not borne by my opponent, but were defrayed out of the money which Ciron left: now it would have become him, if the deceased had not been really my grandfather, to have thrust me out, to have expelled me, and to have hindered me from conducting the burial in conjunction with them. Our situations in this respect were by no means similar; for I permitted him, as the nephew of my grandfather, to act in concert with me; but he should not have suffered me to join with him, if that had been true, which they now have the impudence to alledge. To such a degree, indeed, was Diocles confounded with the truth of my assertions, when in my funeral oration I accused him by name of an attempt to invade my property, and of inciting my antagonist to make this unjust claim, that he durst not even mutter a syllable against me, much less insinuate what he now so audaciously advances. Call those also who will prove this fact. WITNESSES.

What now, in the name of the gods, can induce us to believe what we hear asserted? Is it not the testimony of witnesses? I think it undeniable. How can their evidence be procured? Is it not by the fear of torture?

torture? Most assuredly. Why then should you give no credit to the allegations of my adversaries? Is it, because they declined so complete a proof? yes, beyond a doubt. How is it possible, therefore, to demonstrate more clearly, that my mother was Ciron's legitimate daughter, than by producing hearsay evidence of what happened many years ago, and by giving you the positive testimony of living witnesses, who know that she was educated in his house, was considered as his child, was twice betrothed by him, and twice given in marriage; and by showing moreover, that they refuse to examine the slaves who had a perfect knowledge of all these transactions? The whole of this I have given in evidence; and a more convincing proof, by all the deities of heaven, cannot be produced; but what has already been advanced seems fully sufficient to evince the justice of my demand.

I now proceed to give you entire conviction, that I have by law a greater right than my antagonist to the estate of Ciron; and it is apparent, I believe, to all of you, that those who are descended only from the same stock with the deceased are not more nearly related to him than those who are descended from himself: how, indeed, should it be so, when the first are his collateral kinsmen, and the others his lineal descendants? Since however they are daring enough to argue against the manifest reason of the thing, I will prove my point more diffusely by arguments drawn from the laws themselves: first, if my mother, the daughter of Ciron, were still living, if her father had died intestate, and if this man had been his brother instead of his nephew, he would have a power, indeed, to marry his daughter; but no man would have a right to his estate, except her children, to whom the law would give it at the age of sixteen years; if, then, were she alive, he would not have been entitled to her fortune, but her sons would have been the lawful heirs, it is evident, that, as she died leaving children, they only, not these confederates,

federates, should succeed to her possessions. Nor does this law only confirm my title; but that concerning distressed parents establishes the point, for which I contend: had my grandfather been alive and in want of necessaries, the guilt of suffering him to continue in distress would have been imputed, not to our adversary, but to us; for the law enjoins us to support our parents, by whom are meant our fathers and mothers, grandfathers and grandmothers, and their fathers and mothers, if they are living; since, as they are the root and stock of the family, and as their descendants regularly succeed to their property, it is just and natural to maintain them, how little soever they have to leave. Can it then be thought reasonable, that, even if they had had nothing, we should have been liable to a prosecution for not supporting them, yet, if they leave a fortune, that these men, not we, should succeed to it? By no means.

I will begin, then, with the nearest of a man's collateral relations, and will call for your sentiments on the comparison between them and his lineal descendants; for this method will easily convince you. Who was more nearly related to Ciron, his daughter or his brother? No doubt, his daughter; for she descended immediately from him, but he only derived his descent from the same ancestor. Is the brother to be preferred in the order of succession, or the daughter's sons? Her sons indisputably; for theirs is a direct descent, not a collateral relationship: since then we are so far nearer than a brother, we must have considerably a better claim than this man, who is only a nephew. But I fear, lest, by dwelling too long on a point which cannot fairly be disputed, I should tire your patience; for all of you inherit the possessions of your fathers, grandfathers, and ancestors of a higher degree, by the uncontrovertible title of a lineal descent: the case is so clear, that I cannot believe there ever before was such a contest. I shall therefore conclude
this

this part of my argument with reading the law concerning the distresses of parents; and shall then explain to you the motives which induced my opponents to harass me with this cause. THE LAW.

The property of Ciron, judges, consisted of a farm in Phlya well worth a talent, and two houses in the city, one of which, near the temple of Bacchus in the Marshes, was occupied by a tenant, and might be sold for twenty minas; the other, which he inhabited, was worth thirteen: he had, besides, some slaves who worked for his advantage, two female servants and a girl, together with utensils and household furniture, which, with the slaves, were worth as much as the house. His whole real estate may be valued at rather more than a talent and a half; and he had no inconsiderable sum of money out at interest, from which he received a good annual income. Diocles and his sister had long projected to possess themselves of this fortune; and, as soon as the two sons of Ciron were dead, he did not remove her from the old man (though she might then have borne children by another husband), fearing lest, if they were separated, he should dispose, as he ought to have done, of his possessions; but persuaded her to continue with him, to pretend that she was enseint, and afterwards to alledge that she had miscarried; for he knew, that, if Ciron could entertain hopes of having other children, he would not adopt either of us. As to my father, Diocles perpetually calumniated him, asserting that he had conspired to seize the property of Ciron: his next step was to defraud my grandfather of all his money, while he pretended to execute the office of receiving his interest, and managing his landed property. Thus did he inveigle the old man by adulation and servility, till he had all his effects within his grasp; yet, well knowing that after Ciron's death I should have a just claim to his fortune, he did not prevent me from attending and conversing with him: he feared, I imagine, the consequences of my resentment at that time; but he has

now

now suborned a man to controvert my right to the succession, and, if he should be victorious, would allow him a small share of the plunder, while he means to secure the whole inheritance for himself; yet, even to this very man, he did not at first acknowledge that Ciron left any estate, but asserted that he died in absolute indigence. As soon as my grandfather was dead, this Diocles made preparations for the funeral; the expense of which, as you have heard from the witnesses, he required me to defray; yet he afterwards refused to accept the money from me, on pretence that he had before received it from my opponent; thus artfully intending to let it appear, that he himself, not I, was preparing to bury the deceased: when, therefore, he raised this controversy, both concerning Ciron's house and his other possessions, yet stupidly insisted, in the same moment, that he had left nothing at all, I thought it an improper time (and the opinion of my friends coincided with mine) to remove the body by force; but I assisted them, and attended the burial, the charges of which were supplied out of Ciron's estate. In this manner was I compelled to act; but, lest it should give them an advantage over me, if they could say with truth that I bore no part of the expense, I contributed my share, by the advice of a lawyer whom I consulted; and I performed sacred rites in the handsomest manner on the ninth day after the funeral, both that they might be prevented from the impiety of performing them, and might not seem to have expended the whole sum without my participation.

These, judges, are the transactions which relate to my cause, and these are the reasons which induced my enemies to attack me; but, were you perfectly acquainted with the shameless impudence of Diocles, you would not hesitate a moment in giving full credit to my whole narrative; for this wretch actually robbed his three half-sisters, who were left heiresses to their father, of the fine estate which makes him now so splendid,

splendid, by pretending that he was the adopted son of their father, who, in reality, made no will, on purpose to exclude him: and when those who had married two of his sisters commenced a suit against him for their fortunes, he so malignantly entangled the husband of the eldest in the snares of perverted law, that he caused him unjustly to be marked with infamy; for which, though an action has been brought against him, he has not yet suffered the punishment he deserves; and, having hired a slave to assassinate the husband of the second sister, he privately sent the assassin out of Attica, and accused the wife of the murder: then, intimidating her with his audaciousness, and compelling her to be silent, he obtained the guardianship of her son by the deceased, and stripped him of his property, keeping all the cultivated land in his own possession, and giving his ward by way of compensation a few stony fields. There are persons now present, who know this to be true: they are afraid, indeed, of Diocles; but, perhaps they will be ready to give their evidence; if not, I will produce others, who have an equal knowledge of the facts. First, however, call up those who are present. WITNESSES.

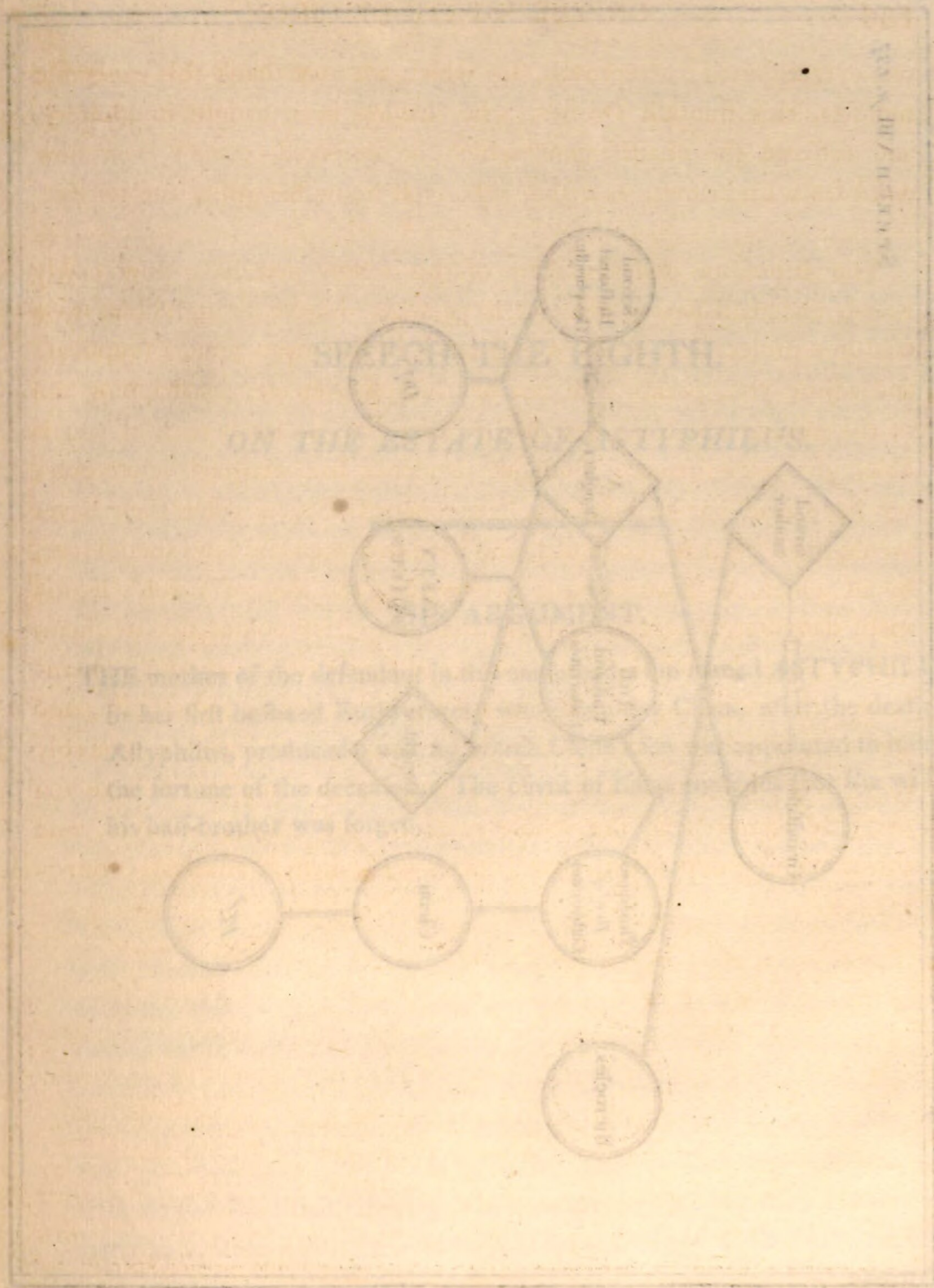
This man then, so profligate and so rapacious, who plundered the inheritance of his sisters, is not contented with that plunder; but, because a just punishment has not yet overtaken him, he comes to deprive me also of my grandfather's estate, and having, as we are credibly informed, promised to give my adversary two minas out of the spoils, has exposed us to the danger of losing not our fortune only, but our country; since, if he can deceive you into a belief, that our mother was not a citizen of Athens, neither are we citizens; for we were born after the archonship of Euclid. Is this litigation then, which his lies have set on foot against me, of trifling consequence? When my grandfather and father were alive, no charge whatever was brought against us, and our right was always considered as indisputable; but since their death, it will be some reproach to us, even if we are successful, that our title

was

was ever disputed; a reproach, for which we may thank this execrable monster, this frantick Orestes, who, having been caught in adultery, and suffered the chastisement which he deserved, cannot even now desist from his crimes, as many, who well know his guilt, can testify.

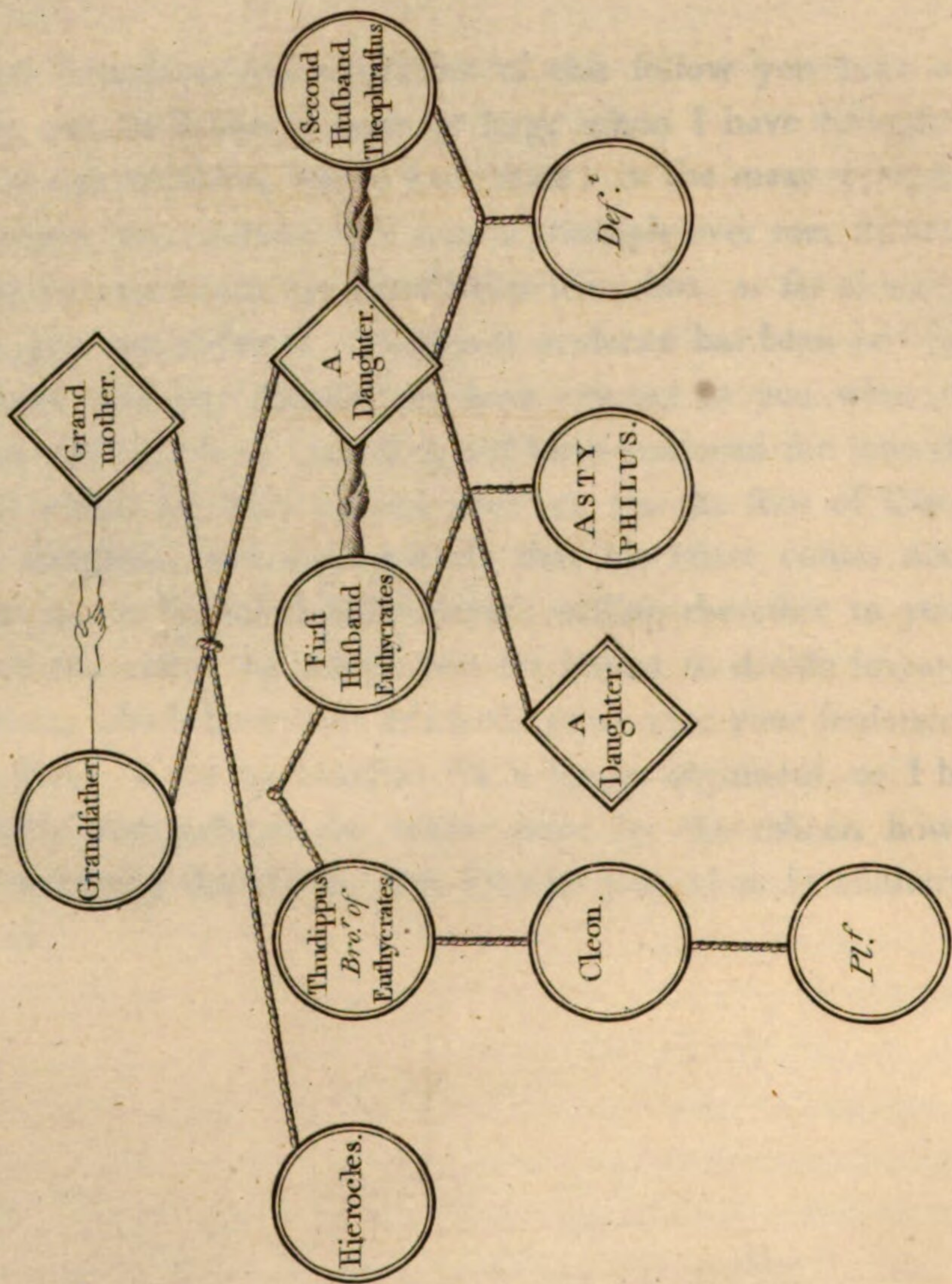
The disposition and character of this fellow you have now partly heard, and shall hear it more at large when I have brought him to a trial in a prosecution, which I meditate: in the mean time, I supplicate and adjure you, permit him not to triumph over me, by stripping me of the fortune which my grandfather left; but, as far as each of you is able, give me assistance. Sufficient evidence has been laid before you; we have read our depositions, have opened to you what their slaves would infallibly have confessed, and have produced the laws themselves; by all which we have proved, that we are the sons of Ciron's legitimate daughter, and consequently that his estate comes not to them, but to us, as his lineal descendants: calling therefore to your remembrance the oaths, by which you are bound to decide impartially, and the laws, which have been adduced, pronounce your sentence agreeably to justice. I see no occasion for a longer argument, as I believe you perfectly comprehend the whole case: let the officer, however, read this remaining deposition, that Diocles was taken in adultery. DEPOSITION,

SPEECH



THE STATE OF THE PHILIPPIANS

THE STATE OF THE PHILIPPIANS



SPEECH THE EIGHTH.

ON THE ESTATE OF ASTYPHILUS.

THE ARGUMENT.

THE mother of the defendant in this cause, had a son named ASTYPHILUS, by her first husband Euthykrates, whose nephew Cleon, after the death of Astyphilus, produced a will, by which Cleon's son was appointed to inherit the fortune of the deceased. The client of Isæus contends that the will of his half-brother was forged.

SPEECH THE EIGHTH.

The Son of Theophrastus against Cleon.

ASTYPHILUS, for whose estate we contend in this cause, and who was my half-brother, judges, by the same mother, died at Mitylene, whither he had sailed with the army; and that he never adopted a son, nor ever aliened his estate, or disposed of it by will, so that no man but myself has a right to his possessions, I shall endeavour to prove, agreeably to the oath which I have previously taken. This Cleon, my antagonist, was the first cousin to the deceased by his father's side, and it is his own son, whom he pretends that Astyphilus adopted: now Cleon's father was transferred by emancipation into another house, in which the whole crew of confederates are still resident, so that by law they bear no relation at all to the last possessor of this estate; but, as there could be no question on this head, they have produced a will, which I shall demonstrate, I think, to be forged, and are now striving, judges, to rob me of my brother's fortune. So confident, indeed, was Cleon (nor has his confidence, it seems, forsaken him) of his exclusive title to the estate in dispute, that no sooner was Astyphilus reported to be slain, while my father was confined by illness, and I was bearing arms abroad, than he rushed upon the land and claimed all my brother's effects in right of his son, not waiting, as he ought, for your determination in his favour; yet, when the remains of their cousin were brought to Athens, this fictitious son of his neither laid out the body nor buried it; but some of his friends and fellow-soldiers, considering the malady of my father, and my absence from the city, performed the last honours to the dead by assisting at his funeral rites, and led my sick father to the tomb, well knowing that his piety would be acceptable to the departed spirit; all which facts will be attested by the friends themselves who were present at these ceremonies.

ceremonies. WITNESSES. That Aftyphilus was not interred by my opponent, has been given in evidence ; nor will he himself deny it.

On my return then from the war, when I found that these associates were enjoying the fruits of my estate, and heard Cleon assert that the will, by which my brother adopted his son, had been left with Hierocles of Hephæstia, I went to Hierocles ; not ignorant of his close connection with Cleon, but believing that he would hardly dare to speak falsely concerning the deceased, especially as he was our uncle : yet, when I interrogated him on the subject, he answered (regardless of these considerations), that the will, which he had received from Aftyphilus, was then in his possession ; and here, to prove that he made this answer, let a deposition be read. DEPOSITION. Since, therefore, judges, none of my brother's friends were present at his death, and since his body was brought hither in my absence, it is necessary for me to convince you, by arguments drawn from their own assertions, that the will which they produce was fabricated by them, and that no will at all was made by Aftyphilus ; for it is reasonable to suppose, that, if he had intended to leave an heir by adoption, he would have provided effectually for the security of his appointment, and taken care that his adopted son should not only possess his estate, but have access to the shrines of his ancestors, and perform the accustomed rites both to their shades, and to his own : he must have been sensible too, that his intentions would take effect, not if he left a will unattested by his friends, but if he first convoked his relations ; next, those of the same borough and ward ; and lastly, as many of his intimate acquaintance as he could assemble, to attend the execution of so important an instrument ; for such precaution would have made it easy to refute any person whatever, who might falsely claim the estate as legatee or as next of kin ; but nothing of this sort appears to have been done by Aftyphilus, who called together none of his friends to attest this pretended will, as I shall prove by the testimony of those friends

friends themselves, unless any one of them has been suborned by Cleon, to declare that he was summoned. EVIDENCE.

Now Cleon will probably contend, that the evidence, just given by these witnesses of their entire ignorance that Aftyphilus ever made a will, is not conclusive; but, in my apprehension, when the controversy turns upon the existence of a testament and the adoption of a son, the declarations of intimate friends, that they were not present at a transaction of so much consequence, ought to have far more weight than the allegations of mere strangers that they were present; nor would Cleon himself, who was never remarked for simplicity, have neglected to convene any relations of Aftyphilus, who were in the city, or any other persons whom he knew to be at all connected with him, that they might attest a will, by which his own son was appointed heir to an estate; for no man could have prevented the testator from disposing as he pleased of his own property, and such conduct would have removed the suspicion naturally arising from a will made in secret. Had it been the design of Aftyphilus, judges, to conceal from all men, that he had appointed the son of Cleon as his heir, or that he had left any testament whatever, it must be supposed, that no witnesses at all would have subscribed his name; but, since they show you the names of witnesses, and those not of his acquaintance, but of any strangers whom he might happen to meet, it is not possible to conceive that the will can be genuine; for I cannot persuade myself that a man, who was going to nominate an heir, would summon any witnesses, but such as were to be partakers for the future of the same rights and the same communion with the person to be nominated: the deceased, however, could have no inducement to keep this transaction secret; for, as the law permits every one to dispose of his property according to his inclination, no man needs be ashamed to have such an instrument attested by any number of witnesses.

Now

Now consider, judges, the time when Aftyphilus made, as they assert, a testamentary disposition of his fortune; for they alledge, that he made it when he was at the point of sailing with the forces to Mitylene: by this account he must have had a singular foreknowledge of events; for he first served at Corinth, next in Theffaly, and during the whole Theban war; nor did he fail, wherever he heard that an army was raised, to offer his service; yet not on one of these occasions did he make a will, but deferred that ceremony till his last expedition to Mitylene, in which he perished. Can it seem credible then to any one among you, that, when Aftyphilus was formerly preparing for his other campaigns, and well knew the danger of them all, he left no directions whatever concerning his affairs, but that, when he was going to sail as a volunteer, in which character he was less exposed to peril, and must have entertained hopes of returning safe, he should then only write his will, and should lose his life in the adventure? Can it be thought credible, that the contingency of events should have corresponded so exactly with his conduct?

Without pursuing this argument farther, I will lay before you, judges, the strongest evidence that the allegations of my adversaries are false; for I will prove that Aftyphilus bore the most violent enmity to Cleon; so violent, that, rather than adopt the son of the man, whom he most detested, he would have ordered in his will, that none of his relations should have the least communication with him; for Thudippus, Cleon's father, having quarrelled with Euthykrates, the father of Aftyphilus, concerning the division of his inheritance, so cruelly beat him, that he expired after languishing for a few days, and his death was indubitably occasioned by the blows, which he had received: the truth of this can be proved by many of the Araphenians, who were at that time employed in cultivating the adjacent lands; but it is not in my power to call any of them, who will positively accuse Thudippus of so atrocious a crime.

crime. As to Hierocles, who saw him strike his brother, I know his unwillingness to give any evidence tending to defeat the will which he now produces, and which, as he alledges, was left in his custody: let him be called, however, that he may either publickly confirm the truth of my assertion, or refuse to be examined. WITNESS.

This, I was perfectly sure, would be his answer; for it is consistent with the conduct of a man, who wishes to persuade you that he knows to be true what in fact never happened, to decline giving evidence of what he really knows to be true: but I will call another witness, who is married to the grandmother of Aftyphilus, and who will swear that Euthykrates, just before he died, commanded his friends to prevent any of Thudippus's family from approaching his tomb. EVIDENCE.

When Aftyphilus, therefore, heard this fact related in his childhood, both by these witnesses and by his other kinsmen, he determined, as soon as his reason began to dawn, rather to perish than hold any conversation with Cleon; thinking it impious to converse with the son of that man, who was accused of having murdered his father: that his detestation of Cleon continued through his whole life, I will prove by the testimony of witnesses, who know the truth of my assertion. WITNESSES.

Had it not been for this reason, it must be imagined, that whenever Aftyphilus attended those feasts, which other Athenians usually attend, he would have gone to them, accompanied by no man but Cleon, who bore so near a relation to him, who belonged to the same borough, and whose son, above all, he was going to adopt; but the deposition of his fellow-burgeesses, which the officer shall read, will prove that he never once appeared at the feasts in company with Cleon. DEPOSITION.

With

With no better claim to the affection of Aftyphilus, this man has the boldness to produce his own son as heir by appointment to the deceased; but why should Cleon alone be censured? Even Hierocles, our uncle, is audacious enough to come with a will which was never executed, and to assert that my brother committed it to his care. This conduct, Hierocles, is a sorry compensation for the many marks of kindness which you received when your fortune was more narrow than at present, as well from Theophrastus my father, as from Aftyphilus himself; for you are attempting to exclude me, who am the son of your benefactor and of your own sister, from that succession which the law has allotted me, to injure by your false assertion the memory of the dead, and, as far as you can prevail, to give his estate to the man whom he abhorred. Before the inheritance, judges, was even formally claimed, this very Hierocles, who was conscious that none but myself had a right to the estate of Aftyphilus, applied successively to all the acquaintance of the deceased, offered the whole fortune to sale, and incited entire strangers to set up a title, alleging that he was the uncle of Aftyphilus, and promising, if any one would give him a due share of the plunder, to produce a will of his nephew in favour of his confederate; yet now, when he has concluded his bargain with Cleon, and has contracted for a division of the spoils, he has the confidence to expect that his story will gain credit, and would be ready, I dare say, to forswear himself, if an oath were tendered to him by my adversaries: thus, for the sake of me, who am his kinsman, he would not even give in evidence what was strictly true; but, for the benefit of one who has not a shadow of right, he has not scrupled to propagate lies, and comes with a forged instrument to make you believe what never happened, thinking the sordid arts of base lucre more beneficial to him, than his connection with me. I will now bring the testimony of a man, to whom he made an application, and promised, on condition that he might partake of the inheritance, to contrive a will in his favour. EVIDENCE.

What

What name then, judges, must be given to this man, who so readily, for his own profit, invents a falsity concerning the dead? This evidence too will abundantly convince you, that he produced this will, not without a compensation, but for a stipulated reward. Such are the artifices which they employ in concert against me, for each of them imagines, that whatever he can filch from the possessions of Aftyphilus will be clear gain, and as it were a gift of fortune.

Now that the will cannot be genuine, but that Cleon and Hierocles have conspired to delude you, I have proved, as clearly as I am able; and I will proceed to demonstrate, that even had I borne no relation to the deceased, yet our early and uninterrupted friendship would have given me a better claim to his inheritance, than Cleon and his son can produce for themselves; for when my father Theophrastus took the mother of Aftyphilus in marriage from her brother Hierocles, she brought her infant son to his house, where he continued for a number of years, and was educated under my father's care: when, therefore, I was old enough to be capable of receiving instruction, I went with him to the same publick school, as you shall hear from our friends, who know this to be true, and from the very masters who instructed us both.

DEPOSITIONS.

I will also prove, that my father cultivated the paternal estate of Aftyphilus, and so considerably improved it by plantation and tillage, that he doubled its value: let the witnesses come up. EVIDENCE.

When my brother then had proved his full age before the magistrate, he received his whole patrimony so justly and regularly, that he never once made the slightest complaint of his guardian: besides, my father had given the sister of Aftyphilus in marriage to a man whom he highly approved; and this conduct, as well as the pains which he had

taken

taken in managing some other affairs, gave complete satisfaction to the young man, who thought that my father, by whom he was educated in his infancy, had afforded him the clearest proof of his care and affection. The circumstances of his sister's marriage shall be proved by persons who were perfectly acquainted with them. WITNESSES.

Let me add to this, that my father constantly took Astyphilus, together with me, to the shrines of his family, and even introduced him to the feasts of Hercules, as the members of that fraternity will depose, in order to procure his admission into their society. EVIDENCE.

Revolve now in your minds, judges, the nature of my connection with Astyphilus: first, we were bred together from our childhood; and secondly, there never was the least coolness between us, but he loved me with constant affection; as all our common friends and companions, whom I will call before you, will testify from their own knowledge. WITNESSES.

Can you believe then, judges, that Astyphilus, to whom Cleon was so extremely odious, and on whom my father had conferred such benefits, would have adopted the son of his enemy, and given his estate away from his nearest relations and benefactors? I should not think it possible, if Hierocles were to produce ten such wills; but should insist that I, as his brother and his dearest friend, must have been the object of his benevolence, and not the son of Cleon: these men, indeed, have not the least pretence for suggesting that they were entitled to his favour, since they had no intercourse with him while he lived, and neglected even to inter his body, but invaded his possessions, before just honours had been performed to his shade. Nevertheless, they have the audacity to claim his estate, not only relying on the will, but even setting up a title as his kinsmen, because Cleon was the son of his paternal uncle: to

this argument, judges, you will pay no attention; for Cleon's father, as you before heard, was adopted by another family, and no man thus emancipated can succeed to the property, which he has relinquished, unless he be allowed in due form of law to return into the house from which he came: and, as to the pretended adoption of Cleon's son, the relations of Aftyphilus so firmly believe it to be a fiction, that they never would admit the boy to their table in the festival of Apaturia, but always dismissed him when he came to demand his share of the feast, as I will prove by undoubted evidence. DEPOSITION.

Now, justly weighing in your minds what each of us has deposed, pronounce a sentence agreeable to truth. Cleon, you find, asserts, that his son was adopted by Aftyphilus; and that the will, which he produces, was made by the deceased: this I absolutely deny, and alledge that I, who, as they know, am his brother, have a just claim to the whole inheritance. Beware then, judges, of appointing an heir to Aftyphilus, whom he, when he was alive, would not have appointed; but let the laws, which yourselves have enacted, be your guide in my cause: by those very laws am I protected, and request you, judges (nor can any request be more sacred), to establish my right of succession to my brother. I have asserted that he never disposed of his estate, and have confirmed my assertion by unanswerable evidence: assist me then in this distress; and, if Cleon surpasses me in the powers of elocution, let not his talents avail him in defiance of justice and law; but exert your own understandings in the decision of this cause, since for no other end are you assembled, than that the audacious may not reap advantage from their boldness, but that the timid and unexperienced may support their just claims, with a full conviction that your minds are intent upon nothing but the truth. Let your verdict, therefore, judges, be favourable to me; and consider what evils will ensue from your decree in favour of Cleon: first, you will send to the monument, and the shrines of
Aftyphilus,

Astyphilus, those men who were objects of his abhorrence; next, you will disregard the commands of his father, who gave them with his last breath, and will convict the deceased of consummate folly; (for who that hears such a decree, will not believe, that a man who could adopt the son of his greatest enemy had lost his reason through illness, or that his senses were impaired by poison?) and, lastly, you will suffer me, who was nursed and educated with my brother, to be stripped of my fortune by this Cleon. I supplicate, therefore, and implore you, judges, to decide the cause in my favour; for thus will you give satisfaction to the departed spirit of Astyphilus, and will defend me from a flagrant injury.

SPEECH

SPEECH

SPEECH THE NINTH.

ON THE ESTATE OF ARISTARCHUS.

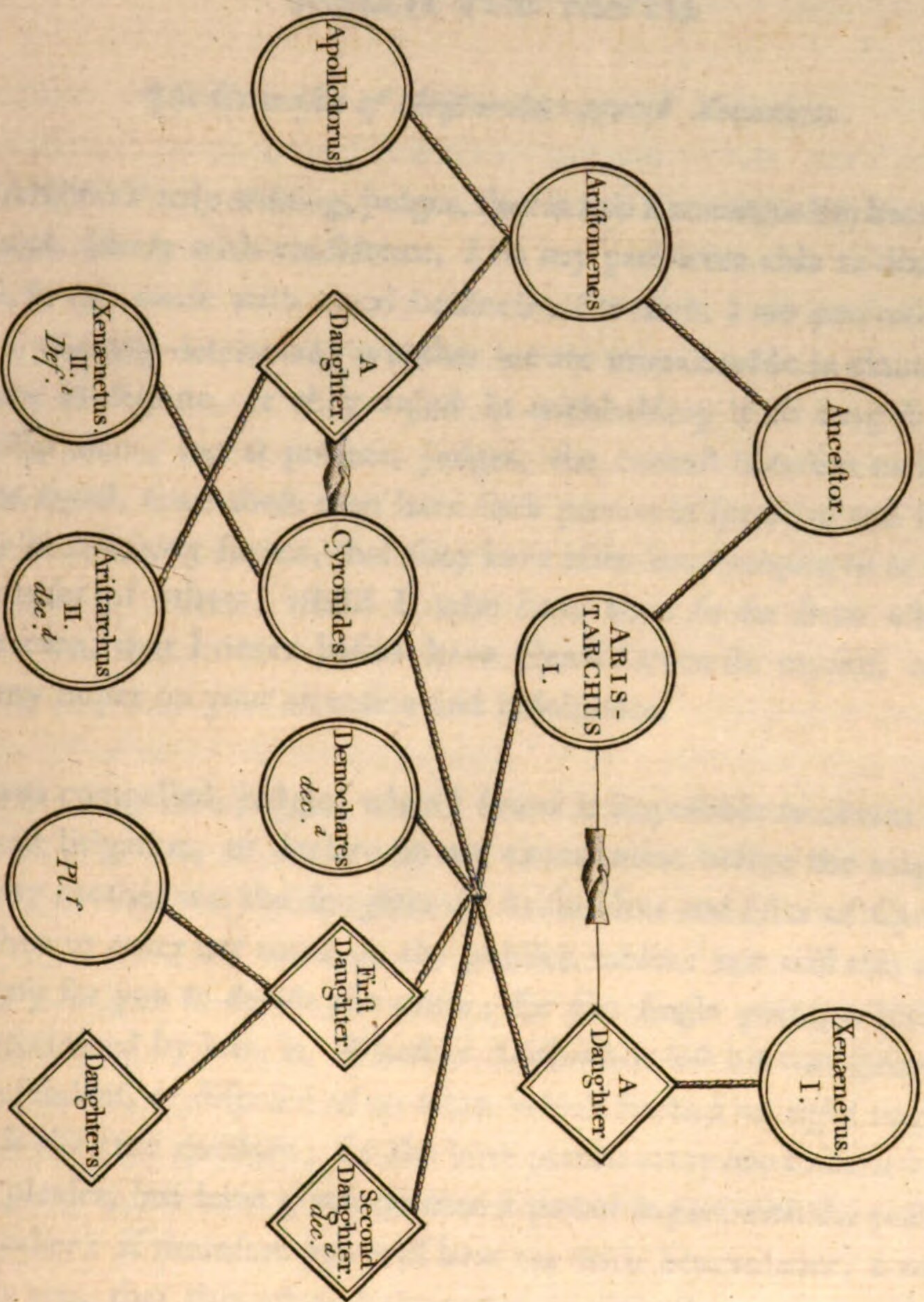
THE ARGUMENT.

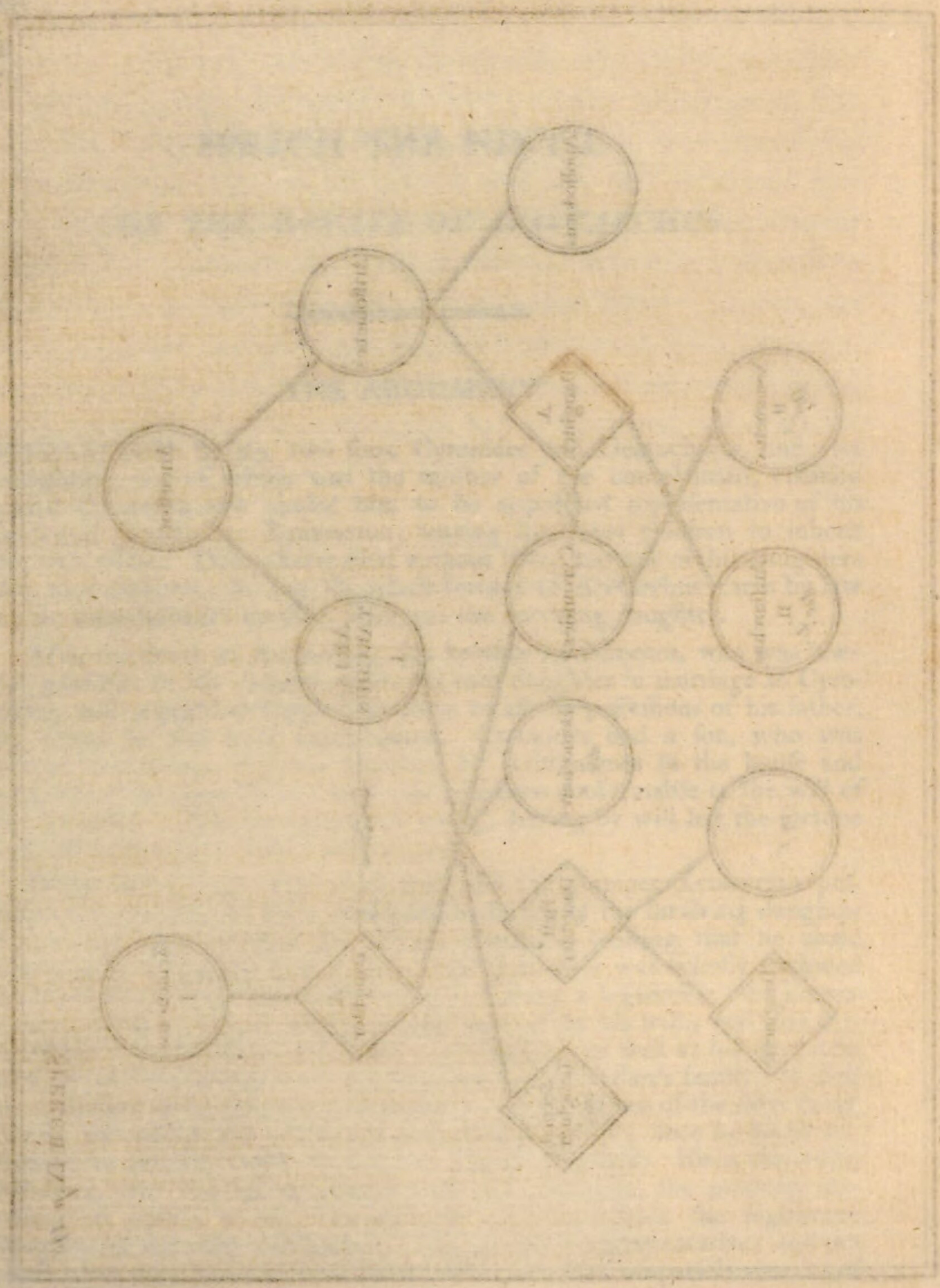
ARISTARCHUS having two sons, Cyronides and Demochares, and two daughters, one of whom was the mother of the complainant, emancipated Cyronides and caused him to be appointed representative of his maternal grandfather Xenænetus; leaving his other children to inherit his own estate. Demochares died without issue, and one of his daughters also died childless; so that the whole fortune of Aristarchus came by law to the complainant's mother, who was the surviving daughter.

After the death of Aristarchus, his brother Aristomenes, who was lawful guardian to his children, gave his own daughter in marriage to Cyronides, and engaged to support his claim to all the possessions of his father, by whom he had been emancipated. Cyronides had a son, who was named Aristarchus, and was admitted by Aristomenes to the house and property of his grandfather, as if this had been conformable to the will of the deceased. This grandson died young, having by will left the fortune to a brother of his, named Xenænetus.

While these things were transacted, and the younger Xenænetus possessed the estate of the elder Aristarchus, the son of the surviving daughter before-mentioned brought his bill of complaint, insisting that he alone ought justly to take the inheritance; that Cyronides was wholly excluded by his emancipation; that the deceased, having a legitimate son, Demochares, could not legally have adopted another by his will; and that Demochares himself, being under age, was disabled, as well as his sister who died, from introducing a son by adoption to their father's family: so that the admission of the younger Aristarchus to the possessions of the elder being illegal, the will of the person so admitted was invalid; since he could not transfer to another what he had not legally obtained. Ifæus contends, therefore, that this last-mentioned will being set aside, the property devolves of course to the complainant, who represents the legitimate daughter of the elder Aristarchus. The speech is argumentative; and the cause turns upon the validity of such a will, and the comparative merits of both claimants.

SPEECH





THEOREM IV

SPEECH THE NINTH.

The Grandson of Aristarchus against Xenænetus.

I CANNOT help wishing, judges, that as this Xenænetus has been taught to speak falsely with confidence, I on my part were able to declare the truth in this cause with equal boldness; for then, I am persuaded, you would speedily determine, whether we are unreasonable in claiming the fortune in dispute, or they unjust in withholding it so long from the rightful heirs; but at present, judges, the contest between us is by no means equal, since these men have such powers in speaking and such activity in soliciting favour, that they have often been employed to manage the causes of others; whilst I, who have been so far from acting for other men, that I never before have pleaded even for myself, can only rest my hopes on your attention and indulgence.

I was compelled, judges, when I found it impossible to obtain redress without litigation, to declare on my examination before the magistrate, that my mother was the daughter of Aristarchus and sister of Cyronides, and thus to enter her name on the publick tables: nor will this make it less easy for you to decide the cause; for the single point, which must be determined by law, is, Whether Aristarchus left his own property to the defendant, or disposed of an estate which he had no right to possess? This is the true question; for the laws permit every one to leave his own as he pleases, but have given no man a power to part with the possessions of another: if therefore you will hear me with benevolence, I will first inform you, that this estate belonged not originally to these associates, but was my mother's patrimony; and will afterwards endeavour to convince you, that Aristarchus occupied it by no law whatever, but, in violation of every law, conspired with his confederates to injure my mother.

I will

I will begin my narration from that period, whence you will be able to form the clearest conception of the whole case.

Aristarchus, judges, of Sypalletus married a daughter of Xenænetus the Acharnean, and by her had two sons, Cyronides and Demochares, with as many daughters, one of whom was my mother: now Cyronides, the father of the defendant and of the other Aristarchus, who wrongfully kept possession of this estate, was received by adoption into another family, and consequently waived all right to the fortune of that house, from which he was emancipated. On the death of old Aristarchus, his son Demochares inherited his possessions; but, he and his other sister dying without issue, my mother became sole heiress of the family estate; yet, although her nearest relation ought to have married her and defended her property, she was treated on that occasion, judges, with extreme iniquity; for, Aristomenes the brother of Aristarchus, having a son and a daughter, and having the option either to take my mother himself, or to cause her by an adjudication of the court to be wedded to his son, did neither one nor the other, but gave his own daughter, together with my mother's whole fortune, to Cyronides, of whom this Xenænetus and Aristarchus, now deceased, were the sons. After this he was pleased to give my mother in marriage to my father; and, Cyronides dying, the brother of Xenænetus was let into possession as the adopted son of the elder Aristarchus, whose name he bore: now that such conduct can be justified by no law, I will prove to you, judges, by many decisive arguments; and, first, I will produce evidence, that Cyronides was emancipated and adopted into the family of old Xenænetus, in whose house he died; next, that Aristarchus, the first purchaser of this estate, died before his son Demochares; that Demochares and his younger sister both died infants; and, by consequence, that the inheritance came legally to my mother. Call up the witnesses. EVIDENCE.

This

This is our title, judges, to the estate in question; for, Cyronides being adopted into the family of Xenænetus, it descended from Aristarchus to his second son Demochares, and from him to my mother, who was one of his sisters: but, since they set no limits to their audacity, and presume to claim our property without any colour of justice, it is necessary to convince you, that the younger Aristarchus was admitted to the ward of the elder by no legal course whatever; for, when you are apprized of this, you will clearly apprehend, that no man can lawfully devise an estate, which he unlawfully possessed.

None of you, I believe, can be ignorant, that testamentary adoptions are legal only when the testator has expressly appointed and nominated the person adopted: now, if any one should say, that Aristarchus made such an appointment, he would speak untruly; for, while Demochares, his legitimate son, was living, he neither could have the inclination, nor would he by law have the power, to adopt another; or, if they assert, that, after the death of Aristarchus, such an adoption was made by Demochares, they will again speak falsely; for an infant is not permitted to make a will, the law expressly ordaining that neither an infant nor a woman shall do an act for the disposal of a sum exceeding the price of one bushel of barley: but it has been proved, that Aristarchus died before his son Demochares, and that he too died not long after; so that even on a supposition of their having made their wills, which they never did make, it would not have been lawful for the younger Aristarchus to inherit these possessions. Read the laws, by which both the father and the son are forbidden, in similar circumstances, to dispose by will of their estates. THE LAWS.

It is then apparent, judges, that Cyronides had no power to appoint an heir to his father; he might indeed, if he had left a son of his own in the house of Xenænetus, have returned to his father's family; but, if they

they assert that he did return to it, they will speak against truth. Thus, if they insist that any third person appointed the deceased as heir to his grandfather, such an appointment would have been illegal; and, if they urge, that his grandfather himself adopted him, they will not be able to produce any law by which such an adoption can be justified; but, not to expatiate on what they may probably alledge, it will appear still more glaringly to you from what they actually do alledge, that they are in possession of my mother's inheritance against law and against decency.

It is certain, that neither Aristomenes, nor his son Apollodorus, to one of whom my mother should have been given in marriage, had any such right as that for which they contend; for it would be strange, when neither of those men, had my mother been married to one of them, could legally have disposed of her estate (since the law gives the fortune of an heiress to her sons in the second year after their age of puberty) if yet, when they disposed of her to another, they might nominate an heir to her possessions: harsh and absurd, indeed, would be such a construction of the law. Yet more, her own father, even had there been no male children, could not have left his estate without her; for the law permits a man, who has no sons, to devise his property to whom he pleases, provided that the devisee take his daughter in marriage. And shall a man, who neither thought proper to marry her himself, nor bore any nearer relation to her than that of cousin, be allowed, in defiance of all laws, to appoint an heir to her fortune? Can such an appointment be valid? Who among you can persuade himself of its validity? For my own part, judges, I am fully convinced, that neither Xenænetus, nor any other mortal, can disprove my mother's right to this estate, which descended to her from her brother Demochares; but, if they have the confidence to insist upon that point, command them to produce the law, by which the adoption of Aristarchus

chus can be supported, and to declare who adopted him: this at least will be just; but I well know that they can produce no such law.

Now that the property in dispute was my mother's at first, and that she was unjustly deprived of it by these plunderers, has been, I think, sufficiently demonstrated by the arguments which have been adduced, the evidence which has been laid before you, and the laws which you have heard: indeed the confederates themselves appear so perfectly conscious of their wrongful intrusion, that they rest not their argument solely upon the legality of Aristarchus's admission to the ward of his grandfather, but add, that his father had a lien upon the estate for expenses incurred by him in defending a suit concerning it; so that, if their claim should be proved unjust on the first ground, they may seem on the second at least to have justice on their side. Yet that there is no truth, judges, in this assertion, I will convince you by the strongest arguments; for, had the fortune been really incumbered, as they alledge, they would not have disbursed their money to pay the debt: it was not in fact their business; but those, who might have demanded my mother in marriage, should have deliberated on that affair; nor would they have appointed Aristarchus to such an inheritance, from which they could have received no kind of benefit, but must have sustained a considerable loss. Most people, indeed, when their circumstances are distressed, usually emancipate their sons, and remove them to some other family, that they may escape the ignominy of their father's misfortune; and did these men disengage themselves from their own families, and pass by adoption into a house burdened with debts, that they might lose even what before belonged to them? It cannot be: no; the estate was clear from incumbrances, and descended regularly to my mother; but my adversaries, eager for gain, have injured her, and invented these palpable lies to cover their iniquity.

Some one among you, judges, may be surprized, when he reflects on the time, which we suffered to elapse, since we were dispossessed of this estate, without asserting our right to it in a court of judicature, and may ask why after such an interval we are at length induced to set up our title: now, though I cannot but think it unjust, that any man should lose his property, if either through inability or neglect he has omitted to make his claim (for the time is not to be considered, but the justice of his demand), yet even for this delay, judges, we can assign a very reasonable cause; for my father, having engaged himself to my mother, married her with a portion, and thus waived her right as heiress; while these men, therefore, enjoyed the fruits of her estate, it was not in his power to commence a suit; and when at my mother's request he called them to account, they threatened to have her adjudged to them, unless he would be satisfied to take her with the portion; but, rather than be deprived of her, my father would have permitted them to possess an estate of twice the value, and for this reason he neglected to prefer his complaint against them. After this came the Corinthian war, in which both he and I were obliged to enter the field, so that neither of us was able to attend a court; and when peace was concluded, I had the misfortune of being a debtor to the publick revenue; nor would it then have been easy for me to have contended with such antagonists: so just are our excuses for this delay; but it is now expedient, that my opponents should declare, by whose gift Aristarchus possessed the estate, by virtue of what law he was admitted into his grandfather's ward, and for what reason my mother was not sole heiress of all his possessions. These are the questions which your suffrages must decide; not, whether we asserted our title a little later than the usual time; and, if they are unable to disprove our right, you cannot with justice avoid pronouncing a sentence in our favour: that they will be unable to disprove it, I am firmly persuaded; for it is not easy for them to contend against both law and reason; but they will endeavour to move your pity, by telling you

in

in a mournful strain, that Aristarchus was a brave man and perished in battle, whence they will take occasion to insist on the cruelty of setting aside his testament. I too, judges, am perfectly sensible, that, if any man disposes by will of his own, such will ought to be binding; but that no disposition of another man's property ought in like manner to be substantiated: now this fortune appears to have been ours, not the testator's; so that, if they have recourse to this argument, and bring evidence of Aristarchus's will, oblige them to show, as justice requires, that he legally devised his own; for it would be the hardest thing imaginable, if Cyronides, and those who claim by descent from him, should not only have inherited an estate of above four talents from old Xenænetus, but should also seize this additional inheritance, whilst I, who am descended from the same common ancestor with Cyronides, am deprived of my mother's fortune, to which she had an indisputable right, especially when they cannot show in themselves even a colourable title: yet, as every possessor of an estate, whose right is contested, must declare who was the mortgagor or vendor of it, or prove that he recovered it by a decree of the court, so should these men, judges, have entitled themselves to your verdict, by showing in what manner their right accrued, and not by ejecting my mother before any trial from her paternal inheritance.

I suspect indeed, that this Xenænetus is not satisfied with having lashed the wealth of Aristomenes in his unnatural excesses, but wishes to spend my fortune also with the same disgraceful profusion; whilst I, judges, with a contracted income, having given my sister in marriage with as large a portion as I could afford; and, conscious of having conducted myself with decency, complied with the laws of my country, and served in its wars, have applied to this tribunal, that I may not be wholly stripped of my possessions.

To

To recapitulate the whole : I have proved that Cyronides, the father of these men, was emancipated and removed into another family, from which he never returned, that the father of Cyronides and of my mother let this estate descend to his son Demochares, and that, he dying childless, it devolved upon my mother.

SPEECH

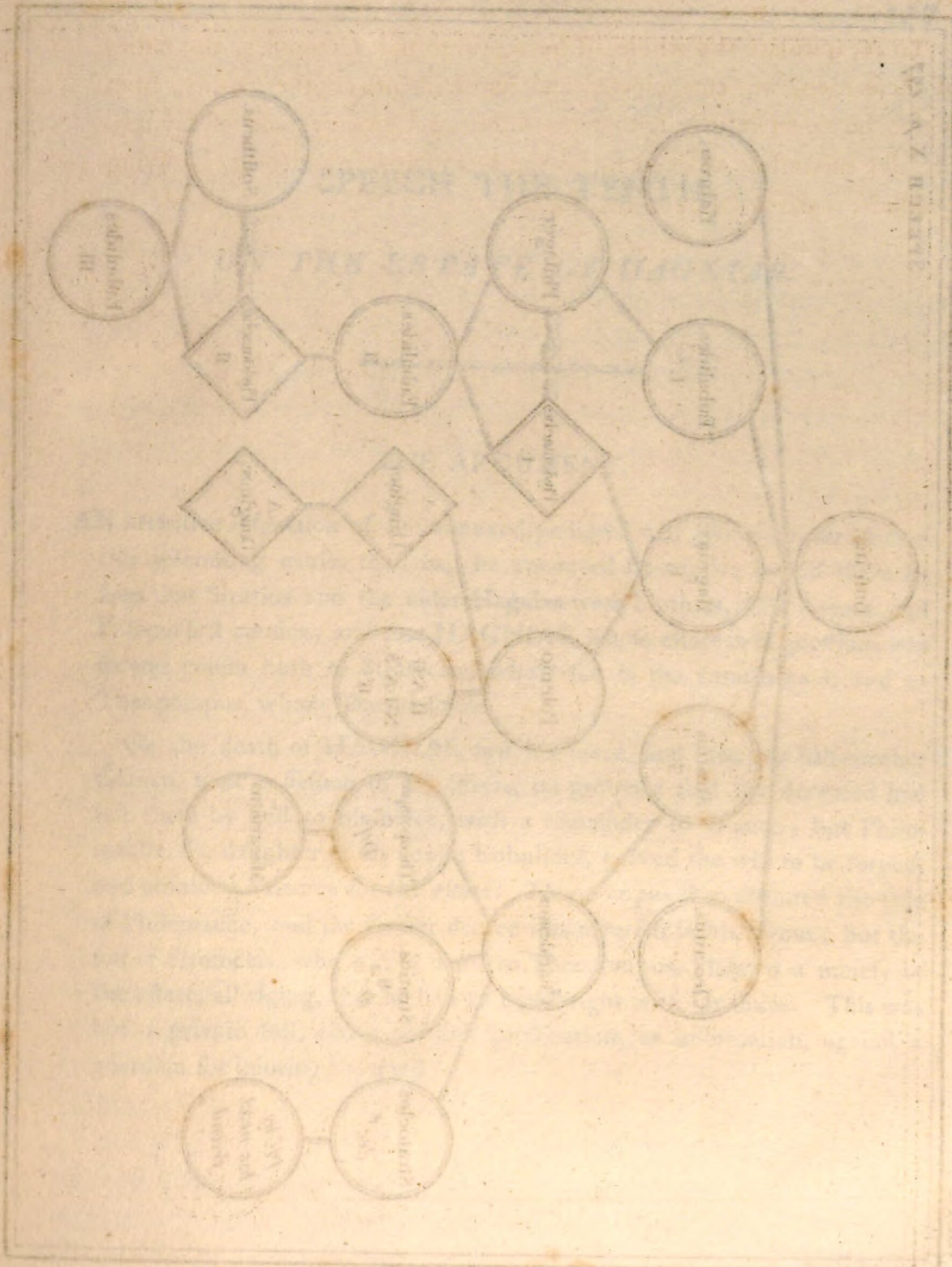
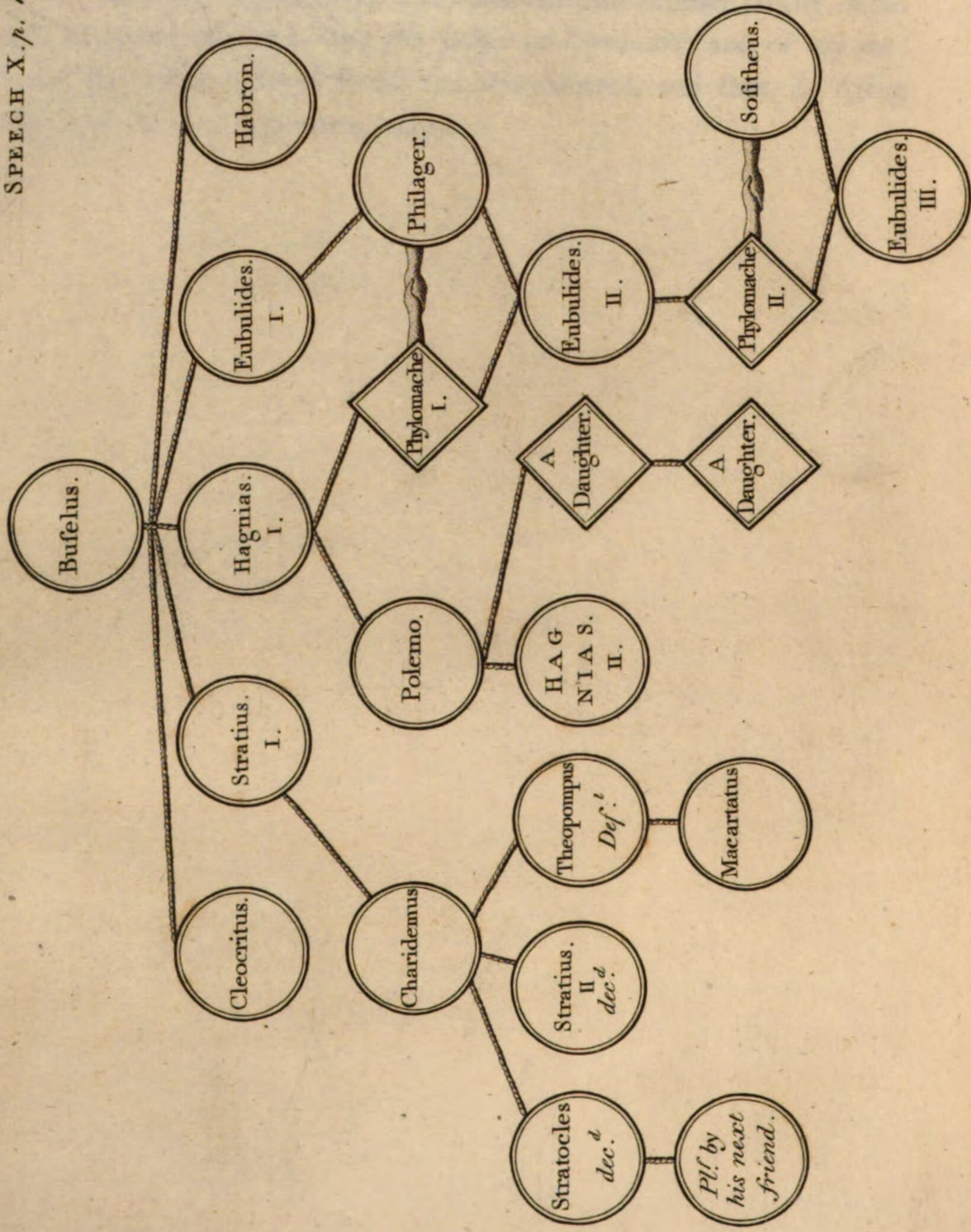


PLATE 7

1874



SPEECH THE TENTH.
ON THE ESTATE OF HAGNIAS.

THE ARGUMENT.

AN attentive inspection of the annexed pedigree will give a clearer idea of this interesting cause, than can be conveyed by words: it will there be seen that Stratius and the elder Hagnias were brothers, Charidemus and Polemo first cousins; and that HAGNIAS, whose estate is in question, was second cousin both to Stratocles, whose son is the complainant, and to Theopompus, whom Isæus defends.

On the death of HAGNIAS, first his niece, and then his half-brother Glauco, took possession of his effects, on pretence that the deceased had left them by will to his niece, with a remainder to Glauco; but Philomache, the daughter of his cousin Eubulides, proved the will to be forged, and obtained a decree for the estate. Theopompus then disputed the title of Philomache, and the former decree was reversed in his favour; but the son of Stratocles, who was in ward to Theopompus, claimed a moiety of the estate, alledging, that he had an equal right with his uncle. This was not a private suit, but a publick prosecution, or information, against a guardian for injuring his ward.

SPEECH

SPEECH THE TENTH.

Theopompus against the Son of Stratocles.

I BEGIN my defence, judges, with a recital of the laws, because my adversary has falsely contended that, by the first of them, the son of Stratocles has a just claim to a moiety of this estate which was left by my second cousin Hagnias. You will observe that, when a man dies intestate and childless, the law first calls to the succession the brothers of the deceased, if he had any by the same father, and the children of those brothers, for they are related to him in the nearest degree; if he had no brothers, his sisters by the same father, and their children, are his successors; on failure of these also, those in the third degree are called, and they are the first and second cousins of the deceased by the father's side: if these too fail, the law returns to the first degree, and gives the inheritance to the brothers or sisters by the same mother, and to the other kinsmen on the maternal side, in order as those on the paternal side would have inherited. The legislator prescribes these rules of succession and limits these degrees in terms more concise than those which I use; but his intention is clearly the same: now this boy is not related to Hagnias in one of these degrees, but is wholly excluded; and, that you may form a distinct idea of the point which you must decide, let my antagonist show, without superfluous words, in which of the degrees just mentioned the boy is related to the last owner of this estate; for, if he can prove his relationship in any one of them, I willingly allow that half of the inheritance belongs to him; but, if nothing of this kind can be shown, will he not clearly convict himself of having calumniated me, and attempted to delude you in defiance of the law? I will, therefore, bring him up to your tribunal, and interrogate him, as the heads of the law are read by the officer; for thus will you soon be informed,

informed, whether, or no, this youth has any claim to the fortune of Hagnias.

Come, thou who art so skilful in accusing others, and in perverting the laws ; and do you (*to the clerk*) take the law and read. THE LAW.

There stop.—Now let me propose a few questions to my adversary : Is the boy, whom you support, the brother of Hagnias ? No.—Or his nephew either by his brother or his sister ? No.—Or his first or second cousin either on his father's side or on his mother's ? In which of those degrees, I say, that are legally called to the succession, was he related to the deceased ?—Answer me not that he is my nephew ; for my estate is not now in dispute, as I am living ; but had I died childless, and had there been a suit concerning my property, then would such an answer have been proper. You now pretend, that the son of Stratocles has a right to a moiety of this estate ; it is therefore incumbent on you to name the degree, in which the claimant was related to Hagnias. His answers, judges, are foreign to the purpose, and apply to every thing but that which you wish to know : yet a man, who intends to do justice, ought not to hesitate, but to speak directly, and not only to answer with candour, but upon oath, and to produce evidence of the fact which he asserts, that you may the more readily believe his assertion ; but now so shameless is his impudence, that, without giving one explicit answer, without calling a single witness, without taking an oath, without citing any laws, he has hopes of persuading you to convict me, against all law, in a cause which you are sworn to decide according to the laws of your country. In this most iniquitous way of proceeding I will by no means imitate him, but will openly evince my relation to the deceased, will explain the grounds on which I claim his estate, and will demonstrate to your general satisfaction, that both this boy, and all those who have before contended against me for the same property, are utterly excluded from

from the limits of succession : but it will be necessary to relate from the beginning what has happened in our family, that you may distinctly perceive the weakness of their claim, and the solidity of mine.

Myself and Hagnias, judges, and Eubulides, and Stratocles, and Stratius, whose sister was the mother of Hagnias, were the children of three first cousins ; for our fathers were the sons of as many brothers : now Hagnias, when he was preparing to embark on an embassy concerning some affairs of great advantage to the state, made his will, in which, instead of leaving his fortune, in case of any accident, to us his nearest relations, he appointed his niece to be his heiress, and ordered that, on her decease, his estate should go to Glauco, his half-brother. Some time after his death, both Eubulides died, and the niece whom Hagnias had adopted ; upon which Glauco took possession of the inheritance by virtue of the limitation to him ; nor did we then conceive it just to contest the validity of the will, but candidly acquiesced in it, and thought that the intention of the deceased ought to be effectuated : yet Phylomache, the daughter of Eubulides, assisted by her confederates, claimed the estate, and by surprize obtained a sentence in her favour against the claimants under the will, although she was not in the regular line of succession ; but she hoped, it seems, that we would not oppose her, as we had not disputed the testament of Hagnias : we, however (I mean Stratius and Stratocles and myself) perceiving that the inheritance was now open to the next of kin, were preparing to institute a suit : but, before our claim could be regularly and formally made, both Stratocles and Stratius died, leaving me the only surviving second cousin of Hagnias, to whom the law gives the right of succession, after the death of all those who stood in the same degree of consanguinity. Who will prove to you, that I am thus entitled to the estate, and that the children of my brothers, of whom this boy is one, are entirely excluded ? The law itself ; for it is confessed on all sides that the inheritance ;

ritance goes to the second cousins on the father's side, but whether it can descend to the children of those cousins, is now to be considered. Take the law, and read it to the jury. THE LAW. *But if there be no kinsmen on the father's side so near as the second cousins, then let those on the mother's side succeed to the estate in the same order.*

You must remark, judges, that the legislator hath not said, *if there be no nearer kinsmen on the father's side*, let the children of the second cousins have the estate, but has given it, on failure of relations in the same degree with my brother and me, to those on the maternal side, to the brothers or sisters and their children, and so to the rest, as it has been before observed, whilst our children are completely barred from claiming any share: since then, had I been dead, the law would not have called them to the succession, how can they conceive, that, whilst I am living and legally possessed of the property, they can have any title to the inheritance? It cannot be: since the others, therefore, whose fathers were in the same degree with me, have not the shadow of a title, no more has this boy, whose father Stratocles was my brother. It is then most abominably iniquitous in my adversaries, when the laws have so explicitly given me the succession, and so manifestly excluded all others, to load me with calumny; and, when I put in my claim, neither to controvert my right, nor to give pledges of proving their own (although that was the time for contending with me, had justice been on their side): but now to harass me in the boy's name, and expose me by a publick prosecution to the greatest of all dangers, and, without accusing me of having embezzled the property, which belongs confessedly to my ward, and which if I had unjustly or dishonestly lavished, as they have done, I should have deserved this rigour; without pretending, I say, to bring any such charge, to attack me with so much violence for an estate, which you, judges, having permitted any one who pleased to litigate

my claim, decided solemnly to be mine, is an excess of audacious iniquity.

What has already been urged, judges, has, I believe, convinced you, that I neither injure this boy in any respect, nor am in the least degree guilty of the crimes which they impute to me ; but I think you will be able to form a more accurate judgement, when you have heard in what manner I claimed this estate, and for what reasons my claim was determined to be just. At the time, judges, when I began the suit, neither did my present accuser think proper to give pledges of supporting the title of this youth, nor had the children of Stratius, who stand in the same degree with him, any idea of opposing me, but all imagined that my right was on no pretence to be disputed ; nor would this very man have now molested me, if I had suffered him to persist in plundering the boy's effects at his pleasure, and had not given a timely check to his rapaciousness : this part then of the family, as I just informed you, being persuaded that they were not in the order of succession, remained inactive ; but the agents of Phylomache, the daughter of Eubulides, who was in an equal degree with the son of Stratius, together with those to whose care the mother of Hagnias was committed, had the boldness to contend with me ; yet so uncertain were they what title to set forth in their bill of complaint, that Phylomache, who was in possession of the estate, and the advocates, who supported her claim, not daring to disclose the truth, and having asserted a palpable falsity, were easily confuted by me ; while the supporters of Hagnias's mother, who, being the sister of Stratius, was in the same degree with myself, but was excluded by the law, which gives a preference to males, waived that part of her pretended title, and, thinking to overpower me with their arguments, insisted that she was the mother of the deceased ; a relation, I admit, the nearest of all by nature, but not recognised by law among

among the degrees of succession : having therefore proved myself to be a second cousin, and having shown the claims of these two women to be groundless, I obtained your decree ; nor did it avail the first of them to have triumphed over those who relied on the will, nor the second, to have given birth to the last possessor of the estate ; but so high a value did the juries set both on their oaths and on justice, that they established by their suffrages the legality of my title. If then I prevailed in this manner against these female claimants, by demonstrating that they could not legally succeed, if this false accuser durst not at that time claim a moiety of the inheritance for the son of Stratocles, if the children of Stratius, who stand on the same ground with him, do not even now think it just to contest my right, if I am in possession of the lands and money by virtue of your sentence, and if I prove that my adversary cannot now show in what legal degree the boy was related to Hagnias, what else, judges, have you to learn ? What further can you desire to hear in this cause ? I persuade myself, that what has been said will be fully sufficient for men of your solid understanding. Yet this calumniator, who scruples not to circulate whatever his malignity can suggest, and flatters himself that his iniquity will continue uncensured, had the confidence to accuse me of many bad actions (for which defamation I shall, perhaps, call him to account), and particularly of having made a bargain with Stratocles, when we were preparing our suit, concerning a partition of the inheritance ; a bargain which we alone of all persons, who were going to law, could not possibly have made : the daughter of Eubulides, indeed, and the mother of Hagnias, who claimed by two distinct titles, might have agreed, when they thought proper to oppose me, that whoever was successful should resign a share to the other, for a separate urn was placed on the ballot for each of them ; but our case was totally different ; for as our title was precisely the same, although each of us claimed a moiety, a single urn would have served for us both, so that it was impossible for one to succeed and the other to fail, since
the

the danger was common to both of us : no agreement then of this nature could have been made by us ; but, when Stratocles, before we had put in our respective claims, was prevented by death from prosecuting his suit, and his son was disabled by the law from renewing it, so that the whole succession devolved upon me as last in order, and it became necessary to evict the wrongful possessors of the estate, my accuser invented this idle calumny, expecting easily to delude you by his false pretences. That no such compact, indeed, could have been made to any purpose, but that the fixed and regular course of proceeding wholly prevented it, the law itself will evince ; which take and read to the court.

THE LAW. Does this law seem to have put it in our power to make such a compromise ? Does it not render it impracticable, even if an agreement had been idly formed, by ordaining expressly that each party litigant shall sue for his distinct portion, but that a single urn shall serve for those who claim under the same title, and that all such causes shall be conducted in a similar manner ? Yet has this man, not regarding the positive direction of the law, not considering the impossibility of such a scheme, had the boldness to make this heavy charge against me without either truth or reason ; nor has he been contented with this, but has asserted the most inconsistent things imaginable, to which, judges, I request your serious attention.

He avers, that I engaged to give the boy a moiety of the estate, if I prevailed over those who were in possession of it ; yet, if he had a right to such a portion, by nearness of blood, as my adversary pretends, what occasion was there for such a promise on my part ? If they speak truly, he had an equal power with me of exhibiting a bill for his moiety ; and, if he had no kind of title as next of kin, what could possibly have induced me to make such an engagement, when the law clearly gave me the whole estate ? Could not I have put in my claim without obtaining their consent ? This they cannot say ; for the law permits any man to
claim

claim a vacant inheritance. Had they any evidence then of my title, by suppressing which they might have prevented a decree in my favour? No such evidence was necessary, as I claimed by descent and not under a will. If it was impossible, therefore, for Stratocles, while he lived, to make any compromise with me, if he could not leave any part of these effects to his son, as he had no decree, and the property never vested in him, if it is highly improbable, that I should have promised to give the boy a moiety, let your verdict on this day substantiate my just claim to the whole; and, if these confederates never instituted a suit for this estate, nor ever thought proper to contend against me, can you possibly give credit to their allegations? I think you cannot: but as you may reasonably be surprized, that they neglected at that time to demand their moiety, my opponent asserts, that my promise of resigning a share prevented them from attacking the other parties, and that they could not legally enter into a contest with me, because an orphan cannot bring an action against his guardian; both which assertions are false; for neither can they produce a law, which would have precluded my ward from asserting his claims (since the laws would by no means have restrained him, but, as they allow a criminal prosecution against me, so they give both me and him a mutual right of maintaining civil actions), nor were they deterred from litigating the title of others by any promise of mine, but solely by their consciousness that no part of the inheritance justly belonged to them; and I am fully persuaded, that, had I even suffered the boy to obtain judgement against me for a moiety, his advocates and friends would not have attempted to take possession of it, nor would they have permitted him to possess it, being perfectly aware of the danger; since, as they would have taken an estate without being in the legal order of succession, those in a nearer degree might instantly have applied to the court and would infallibly have evicted them; for, as I began with observing, the law wholly excludes from the inheritance the sons of relations in the same degree with me, and, if our degree fails, it
calls

calls to the succession those on the mother's side ; so that Glauco, the half-brother of Hagnias, might have contended with them for the estate, in which contention they would have been so far from producing a better title, that they could have produced no title at all ; or if Glauco had relinquished his claim, the mother of him and of Hagnias might then have justly entered into litigation for the property of her son ; and, as she would have disputed with persons by no means admissible to the succession, she would clearly have obtained your sentence for the moiety, both law and natural justice conspiring in her favour. It is apparent, therefore, that my accuser was not prevented from supporting the boy's demand either by my undertaking or by any law whatever ; but, having by false pretexts and iniquitous calumnies contrived this information, and now having opened his pretended charge against me, he has hopes of removing me from the guardianship and of transferring it to himself ; imagining, that by this contrivance he shows his art and dexterity, since, if he fails of success, he will sustain no loss, and, if he attains the object of his machinations, he will dissipate with safety the possessions of this youth : you will not then listen to the allegations of my adversary, nor encourage the practice of prosecuting criminally, when the laws have provided a remedy by a civil action. So perfectly simple and so intelligible is the justice of my case : I will, therefore, in few words, recapitulate the heads of it, and having, as it were, deposited them in your memory, will afterwards proceed to the other part of my defence against the remaining articles of accusation.

What then is the real equity of my cause, and how shall I define it ? This it clearly is : if my opponent avers, that the youth, from his relation to Hagnias, has a right to a moiety of his estate, let him sue for it in the court of the Archon ; and if you there decide in his favour, let him, as the laws direct, take what he demands ; but, if he abandons this claim, and insists upon my promise to divide the property, which I absolutely

folutely deny, let him bring his action; and if he can prove any fuch undertaking on my part, let him, as juftice requires, have poffeffion of his ftipulated fhare: again, if he alledges that my ward could not legally controvert my right or fupport an action againft me, let him cite the law, which reftrains him, and if he can fairly produce it, let him on that ground obtain a verdict for his moiety. Yet farther, if he urges that it was neither competent to claim half the eftate, nor to bring an action on the fupposed promise, but that he has, nevertheless, a legal title, let him petition the Archon, to make a leafe of the poffeffions in difpute, and let the leffee demand a moiety from me as belonging to the fon of Stratocles. It would have been confonant to juftice, and agreeable to the directions of the law, to have followed any one of thefe methods; but it is neither juft nor legal to harafs me with a publick profecution, when a private action was maintainable; and to expofe even my perfon to danger, becaufe I will not refign to this boy the property which I recovered by your fuffrages from thofe who unjuftly poffeffed it: had I indeed, managed any of thofe effects, which are indifputably his, with difhonefty and to his detriment, then would an information againft me have been juftifiable; but not when I am guilty of no other crime than a refolution to keep my own eftate.

Now, that my antagonist has not acted juftly in any one of thefe inftances, that he has not fpoken truth on any of the other points, but has fabricated this accusation from fordid motives of intereft, warping the laws to his own fenfe, and endeavouring to circumvent both you and me againft equity and reafon, I think, by all the Gods, that none of you can be ignorant; fo that all further arguments on this head feem unneceffary.

I obferve, judges, that my adverfary principally dwells in his charge on a comparifon of the boy's fortune with mine, and represents his
circumftances

circumstances as extremely narrow, but expatiates on the imaginary wealth, which he bestows on me; accusing me at the same time of such avarice, that, although Stratocles left four daughters, I have not given a portion to any of them, even whilst I am in possession, as he asserts, of their brother's estate: this allegation I think it proper to refute; for he hopes, by his flourishing harangue, to raise your envy of me on account of my accumulated riches, and to excite your compassion for the children of my brother by deploring their pretended indigence. Of these facts, therefore, you must not be ignorant, but shall hear an exact state of them, which will convince you, that my accuser speaks falsely on this head, as he has spoken on all the others; for I should acknowledge myself to be the basest of mortals, if Stratocles had died in want, and I being wealthy had taken no care of his children; but if he left them a fortune both more ample and more secure than my own, so ample, indeed, that the girls were married with handsome portions, and the boy was made rich with what remained, if I have so diligently managed their affairs, as to raise their estate considerably, I cannot justly incur any censure for not resigning my own property to augment theirs, but rather deserve commendation for my prudence and industry: that all this is true, I can easily demonstrate; and, first, I will apprise you of our respective fortunes, after which I will show in what manner I have regulated the concerns of my nephew.

The patrimony of Stratocles and myself was such as might content us, but not sufficient to defray the expence of publick offices: what proves it is, that neither of us received more than twenty minas with our wives, and so small a portion is not usually given to men of affluent fortunes; but it happened, that Stratocles had the addition of two talents and a half to his paternal inheritance; for Theophon, his wife's brother, died, having adopted one of his daughters, to whom he gave a farm in the district of Eleufis worth two talents, together with fixty sheep,

sheep, an hundred goats, his household furniture, a fine horse on which he rode when he commanded a troop, and all his other effects; of which Stratocles having enjoyed the profits for nine whole years, left a fortune of five talents and a half, including his patrimony, but exclusively of what Theophon had given to his daughter. His estate was this: a farm at Thriæ, worth two talents and a half; a house at Melite, which has been sold for half a talent, and another in Eleufis, worth five minas: such was the real estate of Stratocles, and these were the yearly rents of it; of the farm, twelve minas; of the houses, three: he had, besides, forty minas out at interest, which, at the rate of nine obolus's a month for every mina, bring in annually seven minas and twenty drachmas; his whole income, therefore, was more than twenty-two minas. In addition to these he left furniture, sheep, corn, wine, fruit; all which have been sold for forty minas: he had also nine minas in money; and to them we may add his debts, which were called in, to the amount of near ten minas, and which the widow of Stratocles acknowledged before witnesses to be the boy's property. I say nothing of the other effects which he left and which they conceal; but I speak only of what appears, and what they are willing to admit. Call the witnesses to all these facts. WITNESSES.

Such was the fortune of Stratocles, and even larger than this; but I shall have some other occasion to call them to account for the goods, which they have embezzled. Now what is my present estate? A farm in Ænea worth only fifty minas, and the inheritance of Hagnias amounting to two talents and fifty minas, which sums together are less by one hundred and ten minas than the fortune of this youth: in this calculation too I have comprized the effects of my son, whom I emancipated, but have not added to the opposite side the property which Theophon left his daughter by adoption, and which may fairly be valued at two talents and a half; with that addition, which however I have not

made, their estate will amount to eight talents. Moreover, the inheritance of Hagnias is not yet well secured to me, since some actions brought against the witnesses for perjury will make it necessary for me to obtain a second adjudication; but Stratocles left his possessions to his son uncontroverted and incontrovertible. Now let these depositions be read, to prove that my effects, together with those of my son, amount to no more than what I have mentioned, and that actions are depending against some witnesses in the cause concerning the estate of Hagnias.

DEPOSITIONS.

Is the difference then trifling between our respective fortunes? Or rather, is it not so great, that mine appears almost as nothing in comparison of that which was left to the children of Stratocles? You cannot therefore give credit to the assertions of this man, who, although the boy has a flourishing estate of his own, has ventured to prefer so violent and so groundless a charge against me, and insists on three estates, which he supposes me to have inherited, together with the vast wealth which I have amassed; all which, he says, I have secreted, that the publick may reap no advantage from my opulence. Such are the calumnies, which men, who have nothing equitable to alledge, are forced to invent, that they may confound the innocent with the boldness of their accusations! You will all, however, testify for me, that my wife's two brothers, Chæreleos and Macartatus, were not in the rank of those who bear expensive offices, but were in circumstances extremely contracted: you know, that Macartatus, having sold his farm, bought a galley, which he armed, and failed in it to Crete; nor was this a private act, but of such notoriety, that it was mentioned in the assembly of the people, where some were apprehensive that the Lacedæmonians would consider such an expedition as a breach of the peace, and would consequently renew hostilities. Chæreleos, indeed, left an estate in Profpalta not worth more than half a talent, and died before Macartatus, who

who soon afterwards perished in battle, where the vessel and all the goods, with which he had embarked, were taken. When the Prospaltian farm became the property of my wife, she persuaded me to emancipate one of my sons, that he might continue the name and preserve the family of her deceased brother Macartatus; not that my parting with that estate might exempt me from serving publick offices, for that made no difference, as I had served before it came to me, and was among the readiest to join in contributions, and to perform all the duties which you required of me; so that this informer most falsely charges me with being an uselefs, yet an opulent, citizen.

To conclude; I will sum up the whole cause in one word by a proposal, which you will allow, I am persuaded, to be just: I offer to bring my whole estate, large or small, into hotchpot with that of my ward, and when they are mixed together, let each of us fairly take a moiety of the aggregate value, so that neither of us may possess more than the other; but to this, I know, my adversary will never consent.

FRAGMENTS OF ISÆUS.

I.

From a Speech for Euphiletus against the Burgesses of Erchia.

THE ARGUMENT.

THE law, by which every borough in Attica was commanded to make a review of its members, and to reject all such as were not genuine citizens, gave the rejected a power of appealing to the courts of justice at Athens; but ordained, that, if the appellants failed in proving their right, they should be sold for slaves, and their property confiscated.

EUPHILETUS, the son of Hegesippus, had been disfranchised by the Erchians in consequence of some private quarrel; and the dispute was at first referred to two arbitrators, who made an award in his favour; but, as the burgesses persisted in their refusal to admit him, he was not deterred by the rigour of the law from bringing his appeal. Isæus, who composed the speech for one of the appellant's brothers, began with an exact narrative of the whole transaction, and, having called witnesses in confirmation of it, supported their credibility with the following judicious observations.

FRAGMENTS.

FRAGMENTS.

* * * *

THAT Euphiletus, judges, is really our brother by the same father, you have heard proved by the testimony not of us only, but of all our kinsmen. Now consider first what could have induced our father to invent a falsity, and to take by adoption a son, whom he had not by nature; for you will find, that all adoptions are made by men, who either have no children lawfully born, or are compelled by their poverty to adopt some wealthy foreigners, from whom they expect a pecuniary acknowledgment for the benefit conferred on them by making them citizens of Athens: but our father had neither of these motives; for we two are his legitimate sons, so that he could not have been in want of an heir; nor had he any need of support from this adopted son, since he possessed a handsome competence of his own; and it has, moreover, been proved to you, that he maintained Euphiletus from his infancy, conducted his education, and introduced him to the members of his ward, of all which the expenses are by no means inconsiderable. It cannot then be thought probable, judges, that my father would have acted so unjustly without any prospect of advantage: still less can any mortal suppose me to be capable of such consummate folly, as to give false evidence in favour of another man, in order to make my patrimony distributable among a greater number; for I should preclude myself from the power of contending on a future occasion that he was not my brother; nor would any of you endure even the sound of my voice, if, having taken a part in the present litigation, and given in evidence my nearness of blood to the appellant, I should afterwards attempt to contradict my own testimony. It is reasonable too, judges, for you to believe, that not only we, but all his other kinsmen,

men, have spoken conformably to the truth ; for you will first observe, that those who married our sisters, would never have sworn falsely in his favour ; since their wives are only the daughters-in-law of his mother, and step-mothers are in general apt to be at variance with the children of their husbands ; so that, even had Euphiletus been the child of any other man than our father, it is not to be imagined, that our sisters would have desired their own husbands to be witnesses for the son of their step-mother : consider also, that the next witness, our maternal uncle, but in no degree related to the appellant, would never have gratified His mother by making a deposition, not only false, but, if Euphiletus had indeed been a foreigner, manifestly injurious to his own nephews.

Yet more :—Who among you, judges, can suppose Demaratus, and Hegemon, and Nicostratus, to be guilty of perjury ; men, who, in the first place, will be found unblemished with any bad imputation, and who, moreover, being intimately connected with us, and perfectly acquainted with our family, have respectively acknowledged upon oath the relation which they bear to Euphiletus ? I would gladly, therefore, ask even the most respectable of our opponents, by what other mode he could prove himself to be a citizen of Athens, unless by that which we have used in evincing the right of the appellant ; for I cannot conceive, that he could suggest any other method, than to show that both his father and his mother were citizens, and to adduce the testimony of his kinsmen in support of his allegations. Were our adversaries, indeed, exposed to the danger of losing their own franchises, they would think it just, that you should attend to the depositions of their friends and relations rather than to the defamatory charges of their accusers ; and now, when we give evidence exactly similar to that which they would have given for themselves, shall they persuade you to be deluded by their pretences, instead of believing the father of Euphiletus,

letus, myself, and my brother, the members of our ward, and all our kindred; especially since the burgesſes are in no dangerous ſituation, but keep up this conteſt to gratify their private reſentment; while we, who bear witneſs in the cauſe of our friend, are liable to animadverſion, if we ſpeak falſely, in a court of juſtice?

To theſe arguments, judges, I muſt add, that Euphiletus's mother, whom our antagoniſts allow to be a citizen, was ready to make oath before the two arbitrators in the Delphinian temple, that Euphiletus was the ſon of her and of our father; and who could poſſibly know this more ſurely than herſelf? Our father too, judges, who, next to her, muſt be ſuppoſed to have the moſt certain knowledge of his own ſon, both deſired at that time, and deſires now, to ſwear, that Euphiletus was his child by an Athenian citizen, whom he had lawfully married. Myſelf alſo, judges, who was juſt thirteen years old, as I before informed you, when the appellant was born, am ready again to depoſe that this Euphiletus is actually my half-brother. You will juſtly therefore be of opinion, that our oaths deſerve greater credit than the bare aſſertions of our opponents; for we, with a perfect knowledge of the truth, are deſirous of declaring it in favour of our kinfman, while they ſpeak only what they have heard from his enemies, or rather what they have themſelves invented: we too, judges, both laid before the arbitrators, and now lay before you, the teſtimony of his relations, who cannot be reaſonably diſbelieved; while they, when Euphiletus preferred his former complaint, as well againſt the burgeſſes of Erchia as againſt the mayor, who is ſince dead, and when the matter had been two years in a courſe of arbitration, were never able to produce a ſingle witneſs of his being the ſon of any other man than of Hegesippus, which appeared ſo ſtrong a mark of their falſe pretenſions, that both arbitrators were unanimous in condemning them. Read now the proof of the former conteſt, and the event of it. EVIDENCE.

You

You have heard it proved, judges, that the award was unfavourable to our adversaries ; and, as they would have relied on a contrary determination as a decisive argument, that our friend was not the son of Hegesippus, so we may fairly rely, as an argument no less decisive in his favour, on the determination, that the name of an Athenian had been injuriously expunged from the roll of his borough, in which it had first been properly inscribed. On the whole, you have heard, I am convinced, very sufficient proof, that Euphiletus is really our brother and your fellow-citizen, and that he has been rejected with unjust indignity by the burgeses of Erchia.

II.

From a Speech for Eumathes.

THE ARGUMENT.

A slave, named Eumathes, had been regularly manumitted by Epigenes his master, and had opened a banker's house at Athens, where he resided in the capacity of a freed man, till Dionysius, his master's heir, claimed him as part of his estate, insisting either that there had been no manumission, or that it was irregular and void. This claim was opposed by a citizen who patronized Eumathes, and employed Isæus to compose his defence, of which all but the opening is unfortunately lost.

ON a former occasion, judges, I gave my assistance, with good reason, to the defendant Eumathes, and will now endeavour, as far as I am able, to co-operate with you in preserving him from ruin; but, lest any of you should imagine, that a forward petulance or ill-designed officiousness have induced me to interest myself in his affairs, I intreat you to hear a short explanation of my conduct. When I commanded a galley in the archonship of Cephisodotus, and a strong report of my death in a naval engagement had reached the ears of my friends, Eumathes, with whom I had deposited some valuable effects, called together my relations, to whom he discovered the deposit, and resigned my property to them with the most rigorous exactness: in return for this honest behaviour, when I was wholly out of danger, I cultivated a stricter friendship with him, and, when he set up his bank, advanced him a sum of money to increase his capital; and afterwards, when Dionysius claimed him as a slave, I prepared to assert his liberty, having positive knowledge, that Epigenes had enfranchised him in open court.

III.

From a Defence of a Guardian against his Ward.

I SHOULD have been happy, judges, not only if I had escaped the scandalous imputations of laying snares for the property of others, and instituting suits with that view (imputations, which I am so perfectly conscious of having never deserved), but also, if my nephew, instead of grasping at my estate, would have taken due care of his own paternal fortune, which we justly surrendered to him, a fortune not inconsiderable, but ample enough to sustain the burden of the most expensive offices; for then he would have been esteemed by all as a worthier man, while, by preserving and increasing his patrimony, he would have proved himself a useful citizen: but, since he has aliened part of it, and consumed the rest in a manner that gives me pain; since, relying on the number of his associates and the preconcerted quirks of his advocates, he has invaded my possessions, I cannot but consider it as a misfortune, that a kinsman of mine should act so disgracefully, and I must enter upon my defence, with all the activity in my power, against his direct accusation and the impertinent calumnies which accompanied it.

* * *

Now this is the plan which I have followed, that the truth may be justly extorted from the slaves; while my adversary, like a man desirous only of circumventing, has recourse to invectives and idle sophisms: were he willing, indeed, to obtain justice, instead of seeking to baffle and delude your minds, he would not act in this manner, but would come to a fair account, bring his own proofs, and thus interrogate me to every distinct article in my bill. How many taxes have you reckoned? So many, I should

should have answered, or so many. To what sum do they amount? To so much or so much. By what decrees of the people were they exacted? By these in my hand. Who received the money? These witnesses, who will swear to their receipt of it. He ought next to have examined minutely the number of the contributions, the sums paid, the decrees, the receivers; and, if all appeared just, to have allowed my account; if not, to have proved what falsity or unfairness he could find in it.

infinitely less with that view (imputations, which I am to be guilty of, conscious of having never deserved), but also, if my nephew, instead of grasping at my estate, would have taken due care of his own paternal fortune, which we justly intrusted to him, a fortune not inconsiderable, but ample enough to sustain the burden of the most expensive offices; for then he would have been esteemed by all as a worthy man, while, by preserving and increasing his patrimony, he would have proved himself a useful citizen: but since he has alienated part of it, and consumed the rest in a manner that gives me pain, since, relying on the number of his associates and the preconcerted tricks of his advocates, he has invaded my possessions, I cannot but consider it as a misfortune, that a kinsman of mine should act so disgracefully, and I must enter upon my defence, with all the activity in my power, against his direct accusation and the impetuous calumnies which accompanied it.

Now this is the plan which I have followed, that the truth may be justly extorted from the slaves; while my adversary, like a man deluged only of circumstance, has recourse to invectives and idle sophisms: were he willing, indeed, to obtain justice, instead of seeking to battle and delude your minds, he would not act in this manner, but would come to a fair accord, bring his own proofs, and thus interrogate me to every distinct article in my bill. How many taxes have you reckoned? So many, I should

IV. From

IV.

From a Speech against the Members of his Borough, concerning a Farm.

I SHOULD principally have desired, judges, to have sustained no injury at all from any citizen whatever; and next, if an injury were inevitable, to have sustained it from adversaries, whom I might bring to justice without concern; but I now find myself reduced to a most afflicting alternative; for I am injured by my fellow burgesſes, whose invaſion of my property it is not eaſy to paſs over without complaint, and whose attacks it is unpleaſant to repel with animofity, ſince neceſſity obliges me to meet them often on occaſions of publick buſineſs. It is difficult alſo to contend with many antagoniſts, whose number alone has a conſiderable effect in giving them the appearance of ſpeaking truth; yet, relying on the merits of my caſe, and having ſuffered many enormous hardſhips, I conceived that I ſhould no longer decline attempting to obtain redreſs by your ſentence: give me therefore your indulgence, if, young as I am, I have ventured to open my lips in a court of judicature; for the ſenſe of my wrongs compels me in this inſtance to depart from my former habits of reſerve; and I ſhall now endeavour to apprize you of the whole tranſaction, relating it from the beginning as conciſely I am able.

V. *From*

V.

From a Speech in an Action of Debt.

* * *

THIS most abandoned of men, without producing those witnesses, before whom he asserts the money to have been paid, affects to think it just, that you should give greater credit to them, who alledge that it was restored, than to us who deny that we have ever received it; yet it is well known, I believe, to all, that, as in the flourishing state of their father's fortunes they would not have discharged the debt without compulsion, so after his disgrace and total ruin we could not even have compelled them to discharge it.

NOTES ON ISÆUS.

PAGE 50. — of which they boldly assert that he was a creditor.] A slight variation in the text would make it necessary to alter the translation of this passage; and, instead of the words above cited, to read—“which they assert that he had encumbered with debts:” it seems, however, more probable, that the devisees pretended to have a lien on the paternal estate of the young men for some money due to the deceased, than that Cleonymus should have mortgaged the property of his nephews, which we can hardly suppose that he had a power of doing.

—Polyarchus] Reiske has substituted Poliarchus, *ruling the city*, instead of Polyarchus, *with extensive sway*; but the first proper name appears to be unsupported by analogy, and the second stands foremost in the list, which Xenophon has given us, of the thirty tyrants.

51. Cleonymus himself, when he recovered from that illness, in which he made his will, declared, that he wrote it in anger.] The construction, which Taylor proposed, and which Reiske thought unintelligible, seems to convey a clear and obvious meaning, as I have rendered it.

53. When one of the proper officers came to the door] The text has Archonides, a proper name, which I cannot help suspecting, as the Archon is mentioned a few lines before; and the similarity of sound might have misled the transcriber.

54. —one

54. —one of the two most opposite things] I have supplied a chafin in the original, as well as I was able, and have given the passage a tolerable sense. Taylor supposes this speech to be very imperfect, and imagines that half of it is lost, because the names of Pherenicus and Simo, who are not mentioned in the oration, occur in the argument; but it must be observed, once for all, that the Greek arguments are for the most part erroneous, and seem to have been written by some very ignorant grammarian.

56. —the Cyprian] Not a native of the island Cyprus, but member of a borough in Attica so named. Reiske.

—possessed of three talents] I used to value the Attick talent, on the authority of Arbuthnot, at 193l. 15s. and to think it considerably underrated by Turreil and Prideaux; but my friend Mr. Combe, whose knowledge of ancient coins is no less exact than extensive, has convinced me that Arbuthnot himself has undervalued it; for, by weighing with great accuracy thirty of the finest Athenian tetradrachms in the collection of Dr. Hunter, and by comparing the average of their weight with the standard price of silver, he showed to my full satisfaction, that the Attick drachma was worth about eight-pence half-penny, the sixth part of which was the obolus, or one penny, and five twelfths; the mina therefore, which Solon raised from sixty to a hundred drachmas, was equal in value to three pounds ten shillings and ten pence, and the talent, or sixty minas, to *two hundred and twelve pounds ten shillings*. Three talents then, of which Pyrrhus was possessed, were six hundred and thirty-seven pounds ten shillings, a small fortune in England, but not inconsiderable at Athens, where silver was scarce, and even the superfluities of life easy to be procured. Wherever Attick money is mentioned in these speeches, the reader will in a moment reduce it to English money by the help of this note.

59. —one

59. —one witness only, named Pyretides] I have left the word διαπραττόμενος untranslated, although it is emphatical in itself, and seems to have no small force in the original; but its common acceptation is hardly reconcilable with the context; for it implies an actual subornation of Pyretides, who yet was but a pretended witness, and disclaimed any knowledge of the affair. Can it be rendered thus—“Pyretides, whom he hired to attend him?” Or thus—“Pyretides, whom he attempted to suborn?”

60. —when Xenocles went to Thebes with an intention to eject our servants from the mines] It is impossible not to agree with Reiske that this passage abounds with difficulties; nor could I have made it intelligible in a verbal translation. As to the words, εἰς τὸ ἐργαστήριον τὸ ἡμέτερον εἰς τὰ ἔργα, it is observable that Demosthenes has a similar repetition in the beginning of his speech against Pantænetus, where the cause relates to a dispute about a foundery in Maronea. Perhaps, on the authority of that parallel passage, we might here read ἐν τοῖς ἔργοις. How there came to be *works* in the territory of Thebes, or how an Athenian could have property in the Theban dominions, I cannot tell. It once occurred to me, that if Θήβαζε were the true reading, and not Θρίαζε or Θόραζε, there might have been a district in Attica of that name; but that was mere conjecture; and the distance from Athens to Thebes in Bæotia appears in the best maps of ancient Greece to be just three hundred stadia. Ἐξαγωγή is a forensick term exactly answering to *ouster*; and in this technical sense the verb ἐξάγειν, *to oust*, is used by Isæus, once in this speech, and twice in that on the estate of Dicæogenes. Reiske supposes, in one of his notes, that the servants of Xenocles were ousted by the brother of Endius; but why should Xenocles carry so many witnesses out of Attica, to attest an act which he could not positively foresee? The learned editor's note and translation are at variance in the interpretation of this dark passage. I have chosen the least exception-

able sense, although one does not easily see the necessity of travelling so far to claim the estate of Pyrrhus, the title to which was soon after brought before the court in another form: the reasoning, indeed, of Isæus in this place proves, that the act of Xenocles was frivolous.

75. —[should not pay the ordinary costs of the suit] In the original, *μη κατὰ τὸ τέλος ζημιῶσθαι*, upon which passage Reiske has the following ingenious note: “Locus difficilis, dictio perambigua et inexplicabilis! “Suspicabar aliquando tantundem hoc esse atque κατ’ ἐπιωδελίαν, non solummodo sextâ parte summæ universæ, quam valent bona petita mulctari, sed totâ summâ. Nunc dubito, an potius significet *pro censu*. Censebatur civis quisque quantum in bonis haberet, atque pro isto censu major aut minor cuique multa irrogabatur. Quærant peritiores.” Without pretending to be one of those, to whom the candid annotator refers for a solution of this difficulty, I will follow him in fairly confessing my doubts and even my errors. I once imagined with him, that nothing more was meant than the fine of an obolus for every drachma, or a sixth part of the sum claimed; and I amused myself with conjecturing that ΚΑΤΑΤΟΤΕΛΟC might have been written by an ignorant transcriber for ΚΑΤΟΒΟ ΛΟΤC; but I soon acquitted the transcriber and laughed at my own criticism. As to the supposition that the party who made a false claim was amerced in proportion to his rank or *census*, I never could adopt it: there is no authority for such an interpretation; and the wise Athenians would not have allowed a practice, which would have been a check to the wealthy only, who were less likely to institute iniquitous suits, while the low and indigent might have disturbed the titles of their fellow-citizens without much danger. My next idea is expressed in my translation: as τέλος was anciently used for *expense*, whence εὐτέλεια signified *frugality*, and πολυτέλεια, *profusion*; I conceived that Isæus meant only the costs of suit, or *expensa litis, in quibus*, to use the words

words of the Roman code, *viCTOR victori condemnandus est*; and the Athenians, I supposed, had the same maxim. In this notion I acquiesced, till the very learned editor of Euripides favoured me with his opinion, that τέλος was a generick name for a tax or duty, and comprehended, among other branches of the revenue, the πρυτανεία, or *deposits*, which are mentioned by Aristophanes, and by Isæus himself in his second speech, and which were forfeited to the publick by the unsuccessful claimant: he thought, therefore, that the Greek words ought to be rendered—"not only to be punished by a forfeiture of his deposits." This seemed plausible; but it appears from the scholiast of Æschines, that those forfeited deposits were the perquisites of the jury, and I am now convinced without a shadow of doubt, that the passage must be translated thus: "It would be right, judges, that every claimant of an estate, by gift or testament, who fails in proving his title, should not be amerced *by the limited power of the magistrate*, but should forfeit to the state the full value of the fortune which he falsely claimed." It was inconsistent with a free government that any magistrate should have an unlimited power of imposing fines: the senate itself could impose none exceeding five minas, which was less than eighteen pounds; and, in the speech of Demosthenes against Euergus and Mnesibulus, that venerable body are said to have deliberated whether they should set a fine upon Theophemus *to the full extent of their legal power*, or should deliver him over to a court of justice, that he might be more severely punished. Now among the various senses of τέλος it denotes, according to Ulpian, *the power of a magistrate*; and the very words of Isæus are taken from the law of Solon preserved by Demosthenes in his speech against Macartatus: "Let the archon take care of orphans and heiresses, and protect them from violence: if any one should injure them, he may fine the delinquent *κατὰ τὸ τέλος*" — which Potter translates very properly, *as far as the limits of his power extend*. If the magistrate thought he deserved a heavier penalty, he was directed by the same law

law to prefer an accusation against him, in the nature of an information *ex officio*, in the court of *Heliaea*; where a corporal punishment might be inflicted, or a larger mulct imposed, by the verdict of a jury. This passage in Demosthenes puzzled Wolfius, who seems to have been dissatisfied with his own explanation of it; and Reiske, though he was apprized of Petit's interpretation, still returns to his old opinion, that τέλος there signified the *fortune* and *rank* of the offender, an opinion unsupported, as I intimated before, either by reason or authority.

79. —committed by the magistrates to prison (whence he was afterwards released) together with some other felons, whom you publicly sentenced to an ignominious death] The text is, πρῶτον μὲν εἰς τὸ δεσμωτήριον ἀπήχθη, τὸτο ἀφαιρέθεις, μετ' ἑτέρων τινῶν ὑπὸ τῶν ἑνδεκα, εἰς δημοσίαν ἅπαντας ὑμεῖς ἀπεκτείνετε. A most perplexing passage! If the relative belong to the eleven, instead of the criminals, it must be translated in this manner: “he was first committed to prison, and afterwards set at liberty with
“several others, by those eleven, all of whom were publicly executed
“according to your sentence.” It is well known that the office of the eleven at Athens corresponded in some respects to that of our justices of peace, and in others to that of our sheriffs; they had power to commit felons, and were obliged to see them executed after their conviction. Now had the Athenians at any time put so many magistrates to death for suffering criminals to escape, or for any other misbehaviour, history would certainly have recorded so extraordinary a fact. There were, indeed, *eleven* ministers of the thirty tyrants, who are mentioned by Plato, and who were most probably executed with their employers. Xenophon says, that, after the restoration of the popular government by Thrasybulus, the thirty tyrants, the ten governors of the Piræus, and *the eleven who ruled in the city*, were excluded from the benefit of the general amnesty. Hence the oath taken by the citizens, that they would not remember the injuries done by any, *except the thirty and the eleven.*

eleven. If we suppose Chariades to have been released by these men, who must have been killed in the second year of the ninety-fourth Olympiad, we may form a plausible guess concerning the date of this speech; for, if he fled from the Areopagus in the year after his release from prison; if Nicostratus died seventeen years after that; and if two years were spent in the controversies among the six first claimants of his estate; this cause, in which Isæus was employed, might have been tried in the twenty-first year after the archonship of Euclid, in which year Demosthenes was born. After all, how uncertain are these conjectures upon conjectures!

83. Let the oath again be read.] Why so? Could it so soon have been forgotten? I am persuaded, that these words were repeated by mistake; and that in this place were read the schedule and inventory mentioned in the preceding pages.

—having failed to Cnidos] This could not have been the sea-fight at Cnidos, in which Conon obtained a signal victory over Pisander. It is probable that the naval engagement, in which Dicæogenes fell, was that described by Thucydides in his eighth book, which happened in the first year of the ninety-second Olympiad, and the twentieth of the Peloponnesian war; when Aftyochus defeated Charminus at Syme near Cnidos: now if we suppose, as we reasonably may, that the fortune of the deceased was distributed among his relations in the same year, each of them must have possessed his share till the second year of the ninety-fifth Olympiad. The troubles, to which Isæus alludes, began in the archonship of Pythodorus, but lasted some time after that of Euclid: in that interval the defendant Dicæogenes was instigated by Melas to claim the whole estate, although he did not obtain judgment for it, till twelve years had elapsed from the first distribution; and, as he enjoyed the profits of the estate for ten years, this speech was probably

bably delivered in the last year of the ninety-seventh Olympiad, or two thousand one hundred and sixty-six years ago, and may therefore be considered as one of the most ancient monuments now extant in the world of the litigation, which naturally followed the liberty of transmitting property by will.

84. —having purchased the house of their father and demolished it] Reiske alters the punctuation of the text, and gives it this sense: that Dicæogenes bought the house of Theopompus, and, having dug up the garden, which separated it from his own house, filled the intermediate space, and made one very large mansion for himself. Surely, this is a forced construction founded on a very uncertain conjecture. The cruelty of the act seems to have consisted in his having demolished the dwelling house and dug up the area, as if Theopompus had been a traitor. The sentence against Antipho the orator and Archeptolemus is preserved, and part of it was, *that their houses should be demolished*. The word *κατασκάπτειν*, which is used both in that sentence and by Isæus, seems applicable to a *building*, but not to a *garden*. I perceive, on revising this passage, that the words *παίδων ὄντων τέτων*, *while they were boys*, are left untranslating. Few translations, not strictly verbal, are free from such overights.

85. —he sent my cousin Cephisodotus to Corinth] Probably at the beginning of the ninety-sixth Olympiad, when the Corinthian war broke out.

86. —but the sisters of the deceased whose daughters we married.] If we suppose that the sisters of Dicæogenes had daughters, who intermarried with their first cousins, we need not have recourse to Reiske's conjecture, that this part of the speech was delivered by a different person.

91. —when

91. —when Lechæum was taken] That is, in the fourth year of the ninety-sixth Olympiad, three hundred and ninety-two years before Christ.

92. —the Eponymi] We are here obliged to Reiske for an excellent emendation: the old reading was ὁμωνύμων, which can have no meaning, unless we suppose that statues had been erected to the memory of the brave citizens, who bore *the same name* with Dicæogenes: but the *Eponymi* were the ten heroes, from whom the ten tribes of Attica were *named*, and many publick instruments were hung up on their statues, which stood in the most conspicuous part of the city.

93. —in the battle of Eleufis] That venerable scholar and soldier, M. Paumier de Gretemesnil, has taken great pains to elucidate this passage of Isæus; but seems, after all, to have left it as dark as he found it. Whether Dicæogenes, the plaintiff's great-grand-father, perished, as Reiske imagines, in the irruption made by Plistoanax into the district of Eleufis, or whether he fell in one of the preceding skirmishes with the Corinthians, mentioned both by Thucydides and Diodorus, I must leave undecided, and that without much regret. The battle of Spartolus, which the historian of the Peloponnesian war has fully described, was fought in the fourth year of the eighty-seventh Olympiad, the same year in which the death of Pericles was more than compensated by the birth of Plato. The conjecture of Paumier, who would read Ὀλυθίας instead of Ὀλυσίας, and would render it *Spartolus in the Olynthian territory*, is ingenious but not convincing. Spartolus was known without an adjunct: had any been necessary, it would have been Βοτρίκη; but a place, where Athens lost four hundred and thirty gallant men, with all their general officers, must have acquired a dreadful celebrity. Still less can we be satisfied with the hypothesis of Reiske, who proposes to read Ὀδρυσίας, *although the Odrysians had nothing to do with Spartolus; but the*
orator,

orator, says he, *might not have been skilled in geography, and might have confounded Odrysia with Bottiæa.* His other conceit, to which he was less partial, that the troop, which Menexenus commanded, was called *Odyssæan* from Ulysses, has more ingenuity in it. By what names the Athenians distinguished their legions, I have not learned: if Ὀλυσίαις be the true reading, the name may bear some affinity to the words ὀλοῶς or ὀλέθριος, *destructive.*

93. — the Olynthians] Ὀλύνθιοι. “Suspectum hoc nomen. Olynthios, qui semper Atheniensibus infesti fuissent, pro his occubuisse dimicantes adversus Peloponnesios, unde ipsi orti essent, id verò miror, neque memini uspiam legere.” Reiske. It is absolutely certain, that the Corinthian, not the Peloponnesian, war is here meant by Isæus: now the Olynthians had actually begun to distinguish themselves as an ambitious and martial people at the very time when this cause was heard. I was unwilling, therefore, to alter the word in the text, although I have always suspected, that Ὀπουντίοι was the genuine reading. The Locri Opuntii, who, both on their own coins and in the Greek books, are called sometimes Locrians, and sometimes *Opuntians* only, were the first promoters of this war; and it cannot be conceived, that they remained inactive, when their supporters the Thebans had engaged Athens in their quarrel.

94. — thy ancestors, who slew the tyrant] The song of Callistratus, which every school-boy in the higher classes can say by heart, has made the name and story of Harmodius familiar to all. If the defendant Dicæogenes descended from that line through his father Proxenus, and not through his mother, the pedigree prefixed to this speech must be corrected; and, indeed, there does not seem to be sufficient reason for supposing that Proxenus and the first Menexenus were brothers.

94. — thou,

94. — thou, Dicæogenes] Contempt and indignation cannot be more strongly marked, than by the position of the proper name at the end of this speech; but it would not have the same effect in our language without voice, look, and gesture, to enforce it. The single name of Dicæogenes, as it stands in the original, supplies the place of epithets, and instantly suggests the idea of every thing despicable.

96. — when Menestratus failed to Sicily] Who Menestratus was, I know not; but have not ventured to depart from the text. The date of this speech may be fixed with the greatest certainty; for Isæus afterwards says, that fifty-two years had elapsed from the fatal expedition to Sicily in the archonship of Arimnestus, that is, from the first year of the ninety-first Olympiad; so that, if *from* be exclusive, and complete years be meant, the cause was tried in the second year of the hundred and fourth Olympiad, when Chariclides was Archon. This was the year after Demosthenes, who was then in all probability a pupil of Isæus, had spoken in his own cause against his guardians.

102. Philoctemon was slain at Chios] Most probably in one of the engagements mentioned by Thucydides in his eighth book. Timotheus, whom Phanestratus accompanied, was perhaps the son of Conon, who afterwards acquired such fame by his victory at Leucas; and Chæreas, who married the daughter of Euctemon, might have been the son of Archestratus, whose actions are recorded by the historian.

103. — more than three talents] That is, including the price of the slaves, without which the sums enumerated amount to less than three talents by four minas and fifty drachmas. The text is extremely clear, but Reiske's note gives me infinite trouble; nor can I yet comprehend by what method of computation he made the whole sum rise

to four talents, wanting fifteen minas. He was not, *forsooth*, with all his learning, *a great arithmetician*.

110. — yet how can a man be said to have died childless] We must here give Reiske the applause, which he justly deserves, for a most happy and ingenious emendation. The original, in the edition of Stephanus, is, *ὡς ἐν Ἀίσιμῳ τις*; but, in that of Aldus, it is, ΠΩΣ ΟΥΝ ΑΝΑΙΣΙΜΟΣ ΤΙΣ, which was manifestly corrupted by the change of three letters from ΠΩΣ ΟΥΝ ΑΠΑΙΣ ΗΝ ΟΣΤΙΣ; so that the imaginary personage, *Æsimus*, vanishes at once, and there remains a perspicuous intelligible sentence. Another correction, which I cannot adopt, was proposed by the writer of a few notes on a loose piece of paper, now preserved at Eton, in an edition of the Greek orators, which formerly belonged to Mr. *Topham*. These notes were transcribed by Taylor, and his transcript was sent by Dr. Askew to Reiske, who constantly cites it by the name of *liber Tophanis*, desiring that no body will ask him who *Tophanis* was, and frankly declaring that he could not tell. I mention this trifle for the sake of those, whose curiosity may be raised by seeing the references to this unknown critick.

114. — who has since been appointed hierophant] The ἱεροφάντης, who conducted the ceremony of initiation into the mysteries, was not permitted to marry after his appointment to that sacred office; but a previous state of celibacy was not a necessary qualification. Lyfias, in his speech against Andocides, mentions one Diocles, son of Zacorus the hierophant.

This cause was probably heard a short time after the Corinthian war.

125. — I am not without hopes] It is remarkable, that this passage of Isæus is copied almost word for word by Demosthenes in his first speech against his guardian Aphobus, as the reflexions upon torture [p. 126] are repeated by him in one of those against Onetor. Demosthenes was very young, when he delivered those four speeches; but I cannot see sufficient ground for believing that Isæus composed them, although he might have given them a few touches with his pencil: they are not too highly finished for a boy of eighteen, who had studied under such a master, whose language and manner he zealously imitated.

135. — a few stony fields] In the old editions, *φέλεαδα χωρία ἄττα ἐκείνω δέδωκε*. I wonder that Reiske should entertain a doubt concerning the genuine reading of this passage, when he cites Harpocration, who says expressly, that Isæus, in this very speech, uses *φέλλεα* for a *stony place where goats browse*. The orator wrote, *φέλλεας δέ*, which some reader thought proper to explain imperfectly in the margin by *χωρία ἄττα*; *fields so called*; and, when this rude gloss found its way into the text, the original itself was corrupted.

136. — when I have brought him to a trial] Diocles was afterwards prosecuted; and Isæus composed a speech against him, from which ten or eleven words are cited by Harpocration.

138. Aftyhilus died at Mitylene, whither he had failed with the army] I once imagined that he might have failed with Thrasybulus, who was sent on an expedition against Lesbos in the archonship of Philocles, the year after the taking of Lechæum; but, as it afterwards appears, that he had served at Corinth, in Theffaly, and during the whole Theban war, which was not concluded till the third year of the hundred and third Olympiad, I am at a loss to determine on what occasion he could have gone with the army to Mitylene, unless it was in
the

the social war, in which Lesbos, probably, took some part, as her neighbour Chios was so warmly engaged in it. If my conjecture be just, this was, perhaps, one of the last speeches written by Isæus; who, according to the hypothesis in my prefatory discourse, must have been at least sixty years old when he composed it.

149. —the daughter of Aristarchus and sister of Cyronides] This was the truth; but the text, which I think imperfect, makes him declare his mother to be the sister of Aristarchus. She would, indeed, have been the sister of the younger Aristarchus, if his adoption had been legal; but why it was necessary to admit the legality of that adoption before the magistrate, and even to acknowledge it on record, I cannot conceive.

154. —After this came the Corinthian war] It follows from this passage, that the speech was delivered some time after the ninety-sixth Olympiad, above one-and-twenty centuries ago.

158. I begin my defence, judges, with a recital of the laws] I suppose that the laws of Solon concerning inheritances were read by the clerk, before Theopompus opened his defence.

160. Phylomache obtained a sentence in her favour] The year in which this sentence was pronounced is fixed with the utmost certainty by a deposition preserved in the speech of Demosthenes against Macartatus, concerning which I intend to discourse at large in the commentary. The witnesses depose, “that they were present before the arbitrator in the archonship of Nicophemus, when Phylomache, the daughter of Eubulides, obtained a decree for the estate of Hagnias against all her opponents.” Now Nicophemus was archon in the fourth year of the hundred and fourth Olympiad, three hundred and sixty-one

one years before Christ. Some time must have been spent in the litigation which followed before this cause could have been ripe for a hearing; and we cannot be very far from the mark, if we conclude that it was heard two thousand one hundred and thirty-five years ago.

168. I will show in what manner I have regulated the concerns of my nephew] The orator promises to enlarge upon two heads, and he only touches upon the first, namely, the comparison between the fortunes of Theopompus and Stratocles: hence it is manifest, that part of the speech is unhappily lost.

169. His estate was this:]

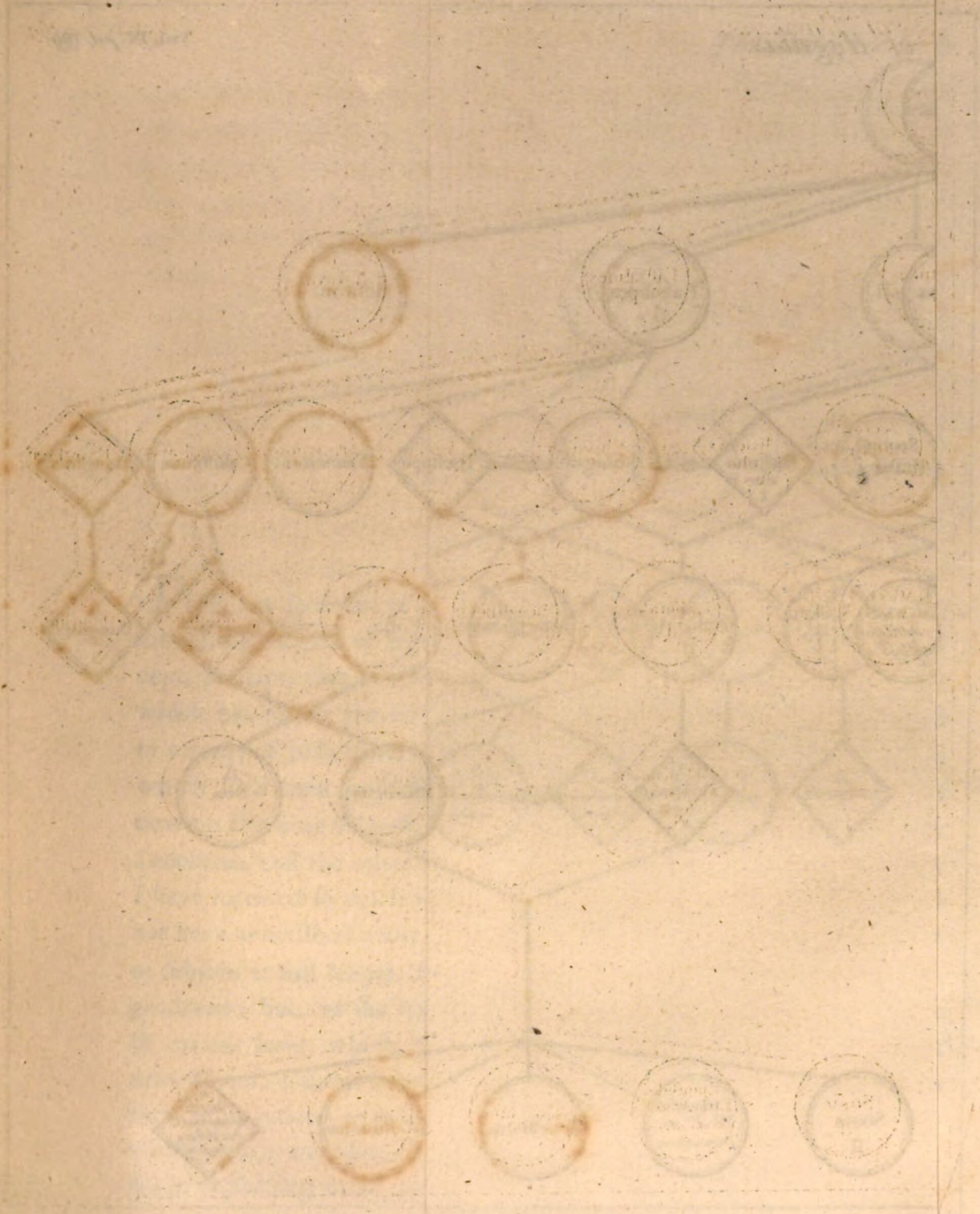
STRATOCLES.			THEOPOMPUS.		
	T.	M.	D.		T. M. D.
Thriasian farm - -	2	30	0	Ænean farm - -	0 50 0
Two houses - - -	0	35	0	Inheritance of Hagnias	2 50 0
Money out at interest	0	40	0	Deficiency - - -	1 50 0
Goods and cash - -	0	49	0		
Debts - - - -	0	10	0		5 30 0
Patrimony - - -	0	46	0		
	5	30	0		

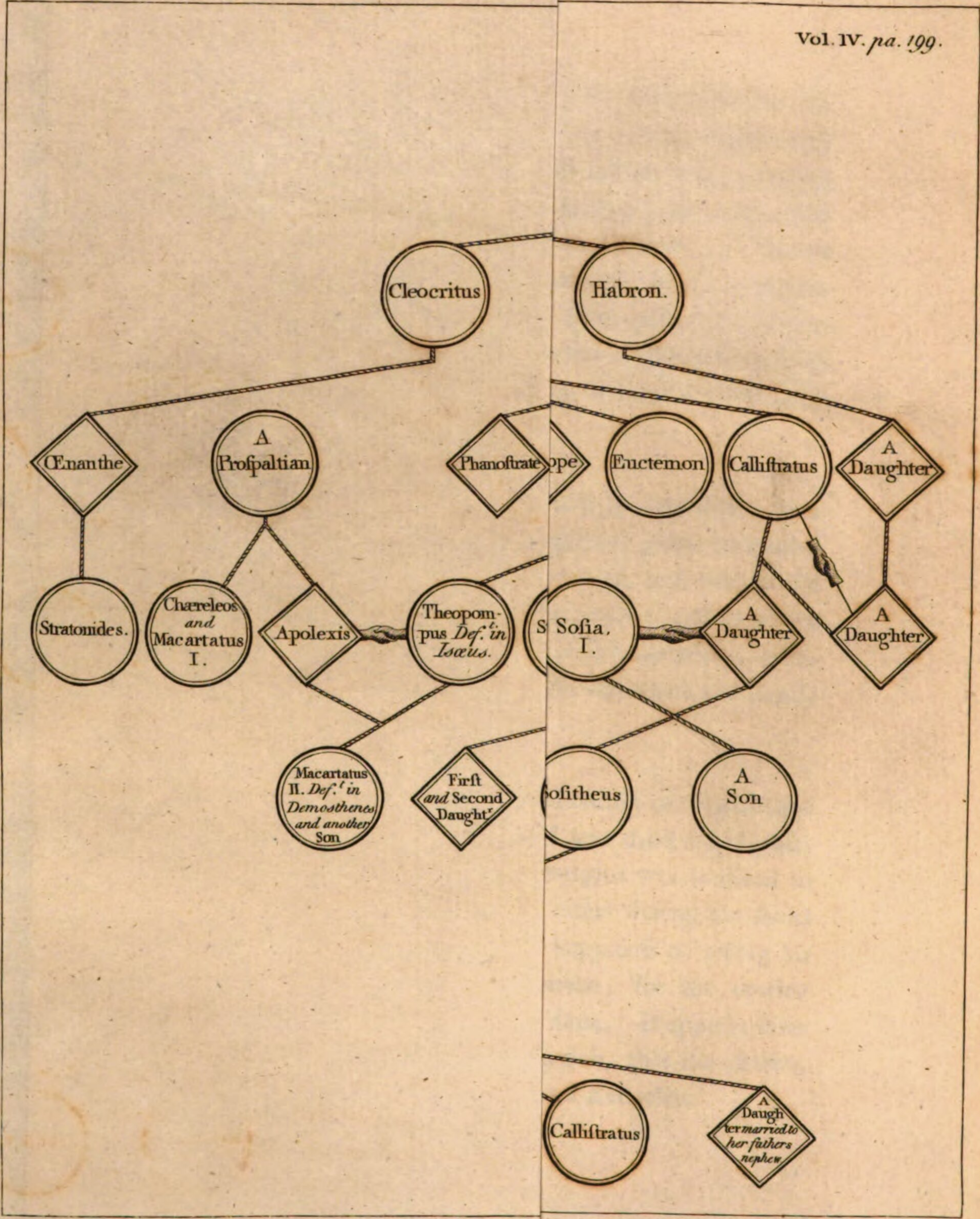
The patrimony of Theopompus must have been included in the farm at Ænea; and it is necessary to read *πεντακισχίλια* in the valuation of Hagnias's estate. The interest of the forty minas at nine obolus's a month is properly computed; and the young man's fortune, including the legacy of Theophon, was exactly eight talents, or seventeen hundred pounds. Nothing can be more clear than the text, nothing more
simple

simple than the calculation; yet the perplexity, to which Reiske was reduced, is perfectly ridiculous; for, by jumbling the principal with the interest, and the rents with the value of the estate, and by adding together all the sums named in the whole paragraph, he makes the property of Stratocles amount to more than ten talents. “Verum
 “fatebor enim, says he, ad calculandum et omnes omnino artes mathematicas invitâ Minervâ natus sum.” He then attempts a correction, but, finding even that irreconcilable with the computation which follows, he concludes in despair—“ut brevis sim, in componendis hisce
 “rationibus pecuniariis exitum non reperio.”

170. The Lacedæmonians would consider such an expedition as a breach of the peace] This was, probably, the general peace concluded in the third year of the hundred and third Olympiad, and broken the next year in the archonship of Chio. The Macartatus, against whom Demosthenes composed his speech, was the son of Theopompus, mentioned in this page, who was appointed to preserve the name and family of the bold adventurer, his maternal uncle.

178. When I commanded a galley in the archonship of Cephisodorus.] That is, in the third year of the hundred and third Olympiad; but if *Cephisodorus* be the true reading, as Sylburgius was inclined to believe, this speech must have been composed either during the social war, or after it; and Isæus must have had the happiness of seeing his pupil advance towards the perfection of eloquence; for the oration against Leptines was delivered nearly at the same time. It appears from Harpocration, who cites three lines from this speech, that the citizen, who asserted the freedom of Eumathes, was named Xenocles.





A

COMMENTARY

ON

ISÆUS.

THE ten speeches of Isæus are the most ancient in the world on the interesting subject of legal and testamentary succession to property, except, perhaps, that of Isocrates on the estate of Thrasylochus in Ægina, which has rather the air of a rhetorical exercise than of a real address to a court of judicature, and tends very little to elucidate the topics, which it is now my intention to discuss: next to these in order of time on the same subject, are two speeches of Demosthenes, one against Leochares, and the other against Macartatus; from the second of which I have received so much light, that, if it had not been extant, I should not have understood many passages in my author. It was my first design to subjoin at full length this very curious monument of Athenian jurisprudence; but, as the speech consists chiefly of depositions and recitals of various laws, which give it very much the resemblance of a well drawn brief, I think it better to sum up the evidence in the cause, with such observations as will render it perspicuous, and to illustrate the whole with a complete pedigree of the family, which will also be useful in explaining other parts of the Attick law. Demosthenes himself had

had intended, as he tells the court, to draw a genealogical table for their inspection; but, reflecting that those jurymen who sat at a distance would be unable to have a distinct view of it, he thought it necessary to explain it by words, which all of them might hear: what Demosthenes chose to omit, I have performed with great care for the convenience of the reader; and here we may take notice of the advantage which justice derives among us in similar causes from the facility of multiplying copies; for, as a number of pedigrees may be printed at an expense not to be considered in important trials, the court, the jury, and the bar, may easily go along with the leading counsel, and form a perfect idea of the question before them. The difficulty, indeed, of explaining a long genealogy by words alone, especially where many of the persons bear exactly the same name, together with the number of mistakes occasioned by the negligence of copyists, made the speech against Macartatus so dark and perplexed, that the learned almost gave it up as inexplicable; and, when Oporinus complained to Wolfius that he could not comprehend the whole of his Latin version, "Do you," said the translator, "understand the Greek?" "No," said the other. "Then," replied Wolfius, "we are even; and we shall, I believe, have many companions in our ignorance." The grave editor's remark, that, "although the speech take its title from *Macartatus* or *most happy*, yet it makes the interpreter *most miserable*, and although it relate to the inheritance of *Hagnias*, a name significative of *purity*, yet the text of it is by no means *pure*," may show with how bad a grace a scholar attempts to be witty. I confess, that the whole composition appeared to me more obscure than the oracles which are cited in it; until I perceived, before I had even seen the Leipzick edition, that the tenth speech of Isæus was delivered in a previous cause concerning the same estate; that it was composed by the great master in defence of the very Theopompus, whom his illustrious pupil afterwards attacked so vehemently; and that the two speeches, though each of them apart

was

was extremely dark, reflected so strong a light on each other, that both became perfectly luminous. The account, which I shall now give, of the numerous family, in which such causes arose as employed the first advocates of Greece, will include a commentary on both their speeches, and necessarily comprise an explanation of several heads in the laws of Solon.

BUSELUS, a burgefs of Cæon, was father of five fons, among whom he diftributed his property; and they became the heads of as many diftinct branches, which continued to flourish and fpread themselves, till HAGNIAS died childlefs, and, though an attempt was made to prove the contrary, intefate. His fortune was not much more than fix hundred pounds; but no fortune ever gave birth to fo much litigation, and, confequently, to fo much knavery. Two very different ftories are told concerning the merits of the firft claimants; one, which the reader will recollect, by Ifæus in the perfon of Theopompus, and another by Demofthenes in the perfon of Sofitheus, who married Phylomache, the fecond of that name. If we believe Theopompus, who does not appear in a very favourable light, Hagnias actually made a will in favour of his niece, with a fubftitution to Glauco after her death; but he gives no particular account, how Phylomache, if the will was valid, was able to obtain a fentence againft Glauco, and to difpoffefs him: Sofitheus, on the other hand, afferts, that the will was proved to be a forgery, and that the whole was the contrivance of Theopompus himfelf, who gave the principal evidence for Glauco, and a brother of his, named Glaucus. It is agreed, that Theopompus afterwards commenced a fuit againft Phylomache, and fucceeded in it; but Ifæus afcribes his fuccefs to the fuperiority of his title, while Demofthenes imputes it to an artifice by which the jury were circumvented; for he avers, that the two half-brothers of Hagnias, defigning to affift Theopompus in their turn, joined with him and one Eupolemus

in claiming the estate; that the archon, therefore, permitted the claimants to speak four times as long as the defendant, for each of them had the same quantity of water in his clepsydra: that the confederates gave false evidence for one another, and told a number of gross lies, which Phylomache's advocate had not time to refute; that the jurymen were perplexed and divided; but that Theopompus gained his cause by a very small majority.

The next suit, which the fortune of Hagnias produced, was the information against Theopompus, for whom Isæus wrote his tenth speech; and in that also (whether justly or not we shall afterwards examine) he had a verdict in his favour; for, after his death, we find his son, the younger Macartatus, in possession of the disputed estate; and it is he, against whom the husband of Phylomache set up a claim for the third Eubulides: what was the event of this last suit, it is impossible to discover with certainty; but, in order to fix with tolerable accuracy the respective merits of all the claimants, I shall recapitulate the Athenian laws of inheritances and devises, comparing them, as I proceed, with those of some other nations, ancient and modern, and shall thence take occasion to illustrate the nine preceding speeches of Isæus.

I shall first review the laws of heirship by proximity of blood; and, secondly, the laws of heirship by appointment, which was either by adoption during life, or by testamentary disposition; and, under the last head, I shall consider first how wills were made at Athens, and next how they were revoked.

I. Had Hagnias died leaving only male issue, his sons would have taken equal shares of his inheritance, like heirs in gavelkind; a law no less favourable to that just balance of property which Solon meant to establish, than the law of primogeniture is agreeable to the military aristocracies,

aristocracies, in which it has prevailed ; but there was another principle in the Athenian government, which, without counteracting the spirit of equality, kept the partibility of estates within proper limits ; for, as the most expensive offices were filled by men of a certain census, it was highly expedient that there should always be a number of citizens moderately rich, who might contribute to the publick charges, without being too much elevated by opulence above the common level. Hence proceeded the complaints against men, who had dissipated or aliened an estate, out of which galleys used to be furnished, and entertainments provided.

Thus, in the sixth speech, Thrasyllus urges with vehemence, and even calls witnesses to prove, that the fortune of Apollodorus, which was known to have contributed largely to the naval expenses, had been reduced to nothing by the negligence and profusion of his adversaries ; and he afterwards declares the duty of a good citizen to consist in preserving his estate, and in paying his contributions with alacrity : so, in the tenth, Theopompus guards against any suspicion of having aliened a certain farm with a view to an exemption from serving the publick offices ; and, in the third fragment, the guardian censures his ward for having sold and dispersed his patrimony, which he might have rendered serviceable to his country and honourable to himself. Now, as these accusations were attended with very serious ill consequences to those who deserved them, as most of the Athenians were animated by a true spirit of patriotism, and as a gentleman, proud, poor, and idle, was a monster unknown in their state, I cannot help considering the law of partible inheritances as not only the most natural, but at Athens even the wisest, and the law of primogeniture as a great evil introduced into some countries for the prevention of greater. It were superfluous to add, as the subject has been exhausted by others, an enumeration of the many illustrious nations, who have shown no preference to the first-born,

or

or to discourse, after Selden and the Misna, on the double portion of the Hebrews: but it may be necessary to observe, that the succession *in stirpes* prevailed, most probably, at Athens in the descending line, as it certainly did in the collateral: thus, had Buselus died worth five talents, leaving his sons Cleocritus, Stratius, Hagnias, Habron, and the children only of his son Eubulides, each of the four sons would have taken one talent, and Philager, Euctemon, Callistratus, representing their father, would have succeeded to twenty minas each. This would have occasioned a subdivision of the fortune left by Buselus; but the industry of his grandsons, incited and rewarded by the spirit of the constitution, would soon have raised their property to a just height, as a well almost exhausted by too large draughts is quickly and plentifully supplied by the spring.

II. If Hagnias had left issue male and female, the sons would have taken equal shares of his estate, but must have assigned suitable portions to their sisters: thus if Sositheus had died worth three talents, Eubulides, whom he had emancipated, would have been entitled to no part of them, but Sofia, Menestheus, and Callistratus, would have received each a talent, and must have contributed to their sister's fortune; and thus, on the death of the first Hagnias, his only son Polemo would have inherited his whole estate, but must have given Phylomache in marriage with a portion conformable to his inheritance: what share of it was in this manner transferred to the sisters, I cannot determine; but am inclined to think that the assignment of it was left to the affection and liberality of the brothers. It was reckoned highly disgraceful to be ungenerous on these occasions; and, in the speech on the estate of Aristarchus, the complainant recommends himself to the favour of the jury, by informing them, that, *although his possessions were inconsiderable, he had given his sister in marriage with as handsome a portion as he could spare.* Besides, a suspicion of illegitimacy was cast upon girls, who were married

married with a small fortune in proportion to the estate of their fathers; thus, when Pyrrhus left three talents, and his daughter Phila was taken by Xenocles with a thousand drachmas only, there was great reason to believe, and Isæus warmly contended, that her husband knew her to be illegitimate, since he married her *without even a tenth part of her paternal estate*: but here I cannot help dissenting from *Perizonius*, who seems to have collected from this passage, that the tenth part of the inheritance was the usual portion given to sisters among the Athenians, as it was among the Hebrews; for I find no trace in the other speeches of any fixed rule; and even, in the very cause to which I have just alluded, *eighteen minas*, or the tenth part of three talents, would have been thought a moderate portion out of an inheritance, which at Athens was esteemed considerable; but Phila had not near so much; and it happened, that the fortune of a thousand drachmas, which she received from her brother by adoption, was exactly the *νοθεῖα*, or *bastard's part*, which was usually allotted to an illegitimate child. It is probable, that the portion was often adapted to the circumstances of the husband; for twenty minas were given to Stratocles, and as many to Theopompus, with their respective wives, whence the latter proves the scantiness of his own fortune, urging that *so small a sum would not have been given to a man of large possessions*; and the husband, indeed, was commonly bound in the *προικῶν*, or *marriage settlement*, to assign a part of his own estate of equal value at least with the portion, as a security for its being restored to the person who gave it, in case either of a divorce or of the wife's death without issue; and the property thus settled was distinguished, like all other hypothecated estates, by small columns and inscriptions, called *ὄροι*, erected on the land, or affixed to the houses, and containing a specification of the sum for which they were pledged. This method, which resembled the *donatio propter nuptias* of the ancient Romans, appears more simple than our modern *settlements*; and, as the Athenian *ἀποτιμήματα* or *hypothecations* were open and noto-

rious,

rious, like our old feoffments, they seem to have provided for the issue of the marriage no less effectually than the estates in strict settlement so strongly tied by our conveyancers; but, as to the fortunes of daughters, our trusts and long terms, over which our courts of equity have so ample a jurisdiction, secure a provision for them with more determinate exactness than the law of *Athens*; where however it is reasonable to believe, that the Archon could compel the sons to assign competent portions.

In this place I cannot forbear mentioning an instance in our own law, where justice, reason, and fair analogy, are not yet, as I apprehend, completely disengaged from the shackles of feudal strictness. The celebrated rule, that, “wherever an estate of freehold is given to the ancestor, and a subsequent limitation is made, in the same conveyance, to his *heirs* or the *heirs of his body*, he shall take in the first case a fee-simple, and in the second, a fee-tail,” has certainly prevailed for near five hundred years; and, as it is not only venerable on account of its antiquity, but has been the basis of most titles in the kingdom, let us hope that it will prevail for as many centuries more, without caring whether it was originally contrived, that the lord might not lose his wardship, relief, and other profits of his feignory, or whether it was designed to facilitate the alienation of property, and to prevent the inconvenience of leaving the fee in abeyance; or, lastly, whether it only means that, in general, those who take by the *name* of heirs, must take in the *capacity* of heirs, that is by descent, and consequently that their ancestor must have a descendible estate. Whatever might have been the reason of the rule (and each of the just-mentioned reasons is supported by great authorities), it could only have been a subsidiary or supplementary rule, calculated to ascertain the intention of parties, where other evidence of intention was either wanting or doubtful: but, where the meaning is clear beyond a shadow of doubt, that the persons described

as heirs are not to take in that quality, and especially where hardships and contradictions would follow such a construction, the rule ought in sense and reason to give way, or rather it ought not to be called in aid, when the intent is plain without it. Let us therefore suppose that, in consideration of an intended marriage, the father of the wife settles an estate *upon the husband for his life, remainder to the wife for her life, remainder to the heirs of his body on her to be begotten*: no man can harbour a doubt of the intention to secure a provision for the issue of the marriage; yet what can restrain the parents from levying a fine or suffering a recovery? What can hinder the husband from aliening the estate, dissipating the money arising from it, like Xenænetus in the eighth speech of Isæus, and leaving his children in extreme indigence? Had articles only been made *before* marriage in the same words, or had there been both articles and a settlement referring expressly to them, equity would have made the husband tenant for life with remainder in tail to the issue; but, if there had been no executory agreement, and only a deed executed, I do not know that any court would interfere, or even incline to give relief on the ground of mistake, the parties having inadvertently used words, which carry an estate-tail, when they clearly intended a strict settlement; yet if the intent be not indubitable, a court of equity ought not to depart from the technical import of the terms even in articles, and, if it be unquestionable, a court of law, one would imagine, ought to give it efficacy over artificial words, even in a deed; nor would respectable authorities be wanting, if this were the place for producing them, to prove, that “the words *heirs* or *heirs of the body*, “are not to be construed as words of limitation, either in a will or in a “deed, when the intention of the testator or of the parties is plainly declared, or manifestly appears, that they shall be construed as words “of purchase.” This question, indeed, is not likely to arise on a marriage-settlement, in which it is usual to give estates for life to the parents, with contingent remainders in tail to the first and every other son, after

after the interposition of trustees to preserve them ; but I have seen settlements in the form above supposed ; and I thought this digression proper enough in comparing the laws of England with those of Athens, to which we will now return.

If the brother was an infant, and the sisters marriageable, it may naturally be imagined, that the guardian allotted their portions out of his ward's estate ; and we find, that the four daughters of Stratocles were married with handsome fortunes during the guardianship of their uncle Theopompus : thus it appears, in the fourth cause, that Dicæogenes gave the sister of the complainant to Protarchides, with a house in Ceramicus worth forty minas ; a large portion, if we consider the many shares into which the estate had been divided, and the inhuman conduct of Dicæogenes towards his cousins.

It may seem strange that the law of SOLON, mentioned by Plutarch, which prohibited the $\phi\epsilon\rho\upsilon\eta$ or *portion* (as it is commonly rendered), and ordained “ that a bride should *bring* in marriage no more than three “ robes and some utensils of small value,” should in less than two centuries be fallen totally into disuse, especially as all Solon's ordinances had been made perpetual after the archonship of Euclid by the law of Diocles ; but, although the words $\phi\epsilon\rho\upsilon\eta$ and $\pi\epsilon\rho\iota\epsilon\chi\epsilon$ be generally used as synonymous, yet *Petit* with great reason supposes that they were different : the legislator could never have forbidden the latter, or the *fortune* given by heirs with their female relations, for which his institutions carefully provided ; but, as the luxury of new-married women in apparel, trinkets, and furniture, had become excessive, he gave a seasonable check to it by restraining the $\phi\epsilon\rho\upsilon\alpha\iota$ or *bridal presents* to three robes and a few moveables. Thus, when Ciron gave his daughter to Naufimenes with twenty-five minas, *together with clothes and some little ornaments of gold*, the money appears to have been the $\pi\epsilon\rho\iota\epsilon\chi\epsilon$, and the rest, what was properly

properly called *Φερνή*; although the motive assigned by Plutarch for Solon's regulation, namely, that he would not have marriage considered as a vile traffick for gain, but as a contract founded on affection, and intended for purposes beneficial to the state, might have induced him to abolish or limit both the one and the other. At the same time I am aware, that the *ἐξώποικα* of the more modern Greek jurists were, probably, the same with the *παράΦερνα*, or goods over and above the portion, which are mentioned by Ulpian in the Digest, and from which our term *paraphernalia* is apparently borrowed; but, on the whole, I am persuaded that there was a distinction between the two words in the ancient Attick dialect. In some respects the *παροῖξ* itself resembled our paraphernalia, as it was not devisable by the husband, nor considered as his absolute property; but it had this further advantage, that it was not liable to the claims of his creditors, even on a deficiency of assets.

It will not be foreign from the subject, to remark in this place, that the customary law of the old *Arabians* obliged every brother to give his sister in marriage with a fortune; and that, in order to evade this law, it was usual among them to contract double marriages, one man taking the sister of another without a portion, and giving his own sister in return on the same terms; but this practice, which they called *Sbigâr*, was declared illegal by Mahomed. The division of an inheritance enjoined in the fourth chapter of the Alcoran is very remarkable; it is there ordered generally, that *a male shall have the share of two females*; so that, by the Mahomedan rule, Charidemus would have had two thirds, and Phanostate one third, of the estate left by their father Strattius: for Selden is mistaken in supposing, that each would have succeeded to a moiety. Perhaps, this ordinance of the Asiatick lawgiver was more consonant to natural justice than that of Solon, who seems to have made the fortunes of Athenian women too vague and precarious.

III. Let us now put the case, that Hagnias had died leaving only female issue: the next of kin, who would have been entitled to the succession, had there been no children, might have claimed the daughters in marriage, together with their inheritance, of which their sons born in wedlock would have taken possession at their full age. If a son was left, as in the former case, his sister was called ἐπίτροικος or *portioness*; but a daughter, who had no brother, was distinguished by the name of ἐκκληρία or *heirefs*; and this I mention, because the latter word occurs perpetually in the speeches of Isæus. Thus, in the ninth cause, when the daughter of Aristarchus, on the emancipation of Cyronides, and the death both of Demochares and her sister, became sole heirefs, her father's brother Aristomenes, or, on his refusal, her first cousin Appollodorus might have applied to the Archon, and obtained a decree for taking her in marriage; and, in the same manner, Phylomache, the only daughter of Eubulides, was claimed and married by Sositheus, whose title will appear in a subsequent part of this commentary. The right of the nearest kinsman to marry the heirefs was so firmly established, that even the act of her own father could not supersede it; and hence arose the most iniquitous and intolerable of all the Athenian laws, an odious remnant of the ancient institution, which Solon in part abolished, *that estates should remain for ever in the family of the deceased*; for we learn from the second speech, that even if a father had given his daughter in marriage to a person whom he approved, yet, if he died without legitimate sons, the next of kin might take her from her husband and marry her himself, and Isæus mentions it as a known fact, that many men had by this law been deprived of their wives; but Petit was clearly deceived in imagining, that the same law prevailed, when the father had *devised* his property together with his daughter; for in that case the next heir was wholly excluded. Yet farther; when the unjust guardian Aristomenes, in defiance of the law, gave his niece without her estate, and with *a portion only*, to the father of the complainant,

plainant, and when her husband afterwards applied to her kinsmen for the inheritance, to which she was intitled, and which they illegally possessed, they compelled him to desist from his claim by threatening to dissolve his matrimonial union, and to demand his wife for one of them, as her nearest relation.

Nothing can be conceived more cruel than the state of vassalage in which women were kept by the polished Athenians, who might have boasted of their tutelar goddess Minerva, but had certainly no pretensions on any account to the patronage of Venus. All unnecessary restraints upon love, which contributes so largely to relieve the anxieties of a laborious life, and upon marriage, which conduces so eminently to the peace and good order of society, are odious in the highest degree; yet at Athens, whence arts, laws, humanity, learning, and religion are said to have sprung, a girl could not be legally united with the object of her affection, except by the consent of her *κύριος* or *controller*, who was either her father or her grandfire, her brother or her guardian: their *domination* over her was transferred to the husband, by whom she was usually confined to the minute details of domestick economy, and from whom she might in some instances be torn, for the sake of her fortune, by a second cousin, whom probably she detested; nor was her dependence likely to cease; for we may collect from the speech on the estate of Philoctemon, that even a widow was at the disposal of her nearest kinsman, either to be married by him, or to be given in marriage, according to his inclination or caprice. Yet more; a husband might bequeath his wife, like part of his estate, to any man whom he chose for his successor; and the mother of Demosthenes was actually left by will to Aphobus, with a portion of eighty minas: the form of such a bequest is preserved in the first speech against Stephanus, and runs thus:—"This is the last will of Pasio the Acharnean. I give my wife Archippe to Phormio, with a fortune of one talent in Peparrhethus, one talent in Attica, a
house

“house worth a hundred minas, together with the female slaves, the ornaments of gold, and whatever else may be in it.” For all these hardships, which the Athenian women endured, a very poor compensation was made by the law of Solon, which ordered their husbands to sleep with them three times a month.

Whether the fairer, but weaker, part of our species should, in well-ordered states, succeed to an entire inheritance, and dispose of it as their passion or fancy prompts them, may admit of some doubt; and we find on this point a remarkable diversity in the laws of different nations, and of the same nation in different ages; on which subject Perizonius has written a learned dissertation. The most ancient suit, perhaps, of which any account remains, was that instituted by the five daughters of Zelophehad, who died without sons, for *a possession among the brethren of their father*: they gained their cause; and it was thenceforth a rule among the Jews, that “if a man died, having no son, his inheritance should go to his daughter;” but when it was remonstrated, that, if Mahla, Noa, Hagla, Milca, and Tirza, were to marry the sons of other tribes, their inheritance would be taken from the tribe of their father, the divine legislator answered, *Let the daughters of Zelophehad marry whom they think best; only in the family of their father’s tribe let them marry*; and if Solon had made no other restriction, his ordinance would have been more conformable to nature and reason; but the narrow policy of keeping an estate confined in a single family can be justified by no good principle whatever.

The pagan Arabs, although divided into tribes, had no such restraint upon their natural inclinations; for there is not a more common topick in their ancient elegiack poems than the separation of two lovers by the removal of the tents belonging to their respective tribes, which were not connected, like those of the Hebrews and Greeks, by any regular bond
of

of union, but seem to have been distinct and independent communities: as their institutions, indeed, were perfectly military, they excluded women, who were unable to serve in their wars, from all right of succession to property; but *Mahomed*, like another Justinian, abolished this law of his countrymen, and ordained expressly, *that females should have a determinate part of what their parents and kinsmen left, whether it were little or whether it were much*, allowing a double portion to the males, on account, says he, *of the advantages which God has given them over the other sex.*

Among the early inhabitants of *Rome*, both males and females were permitted to inherit the possessions of their ancestors; and this appears to have been the law of the twelve tables, which were derived in part from the institutions of Solon; but the middle jurisprudence, departing from the old simplicity so favourable to legislation, admitted sisters only to a fraternal inheritance, and rejected all other female relations from the agnatick succession, as if they had been perfect strangers, till the Prætorian equity mitigated this rigour by degrees; and Justinian, whose benevolence in this respect has been highly commended, restored the Decemviral law, with some additional directions of his own. The feudal law, like that of the old Arabians, and from the same principle of military policy, generally excluded daughters, unless there had been a special investiture of their father in favour of them; and it is almost superfluous to mention the strictness of the *Salick* feudists, who preferred one sex to the total exclusion of the other: our own laws observe a medium between their severity and the latitude of the imperial constitution.

IV. If we suppose that Hagnias had left neither sons nor daughters, but grandchildren only, some difficulties may arise in adjusting the division of his inheritance: there might have been grandsons alone, or grand-

granddaughters alone, or both grandsons and granddaughters; and if they had all been the children of one son or one daughter, I conceive that the three preceding rules are exactly applicable to these three cases; for it is certain, that, in the descending line, no distinction was made at Athens between a title conveyed through a female or through a male, as there was in Rome, till the new ordinances relaxed the ancient strictness. This appears evidently from the second speech, where Isæus represents it as impossible for Endius to have been ignorant, that, had Phila been the only legitimate daughter of Pyrrhus, *her children would have succeeded to their grandfather's whole estate*; and this was the very title of Ciron's grandsons; for the writer of the Greek argument to the seventh speech was unquestionably mistaken in supposing the cause to be *strong in equity but weak in law*, and in imagining that the orator most artfully suppressed the rule concerning *the preference given to those who claim through males*; a rule which did not relate to lineal descendants, as we learn with certainty from the speech on the estate of Apollodorus: had the second Phylomache, therefore, died before her father Eubulides, her four sons and daughter would have been, on his death, in the same situation, as if they had been his children. We may next conceive, that BUSELUS had survived his five sons, and then died, leaving as many talents to be distributed among all their issue: it is probable, that *Oenante* would have taken, as heiress, the share of her father Cleocritus; and that the daughter of Habron also would have had one talent; secondly, that Charidemus and Polemo would have taken each a fifth part of the inheritance, giving marriage-portions respectively to their sisters; and thirdly, that the remaining talent would, as I remarked before, have been divided equally among the three sons of Eubulides; and thus, if Charidemus had been dead, the great-grandsons Theopompus, Strato-cles, and Stratius would have received each of them a third part of his allotment, or twenty minas; and, had Polemo been gone, his talent would have descended to HAGNIAS with the same obligation to give his

his sister a fortune: in fact the inheritance of Hagnias was two talents and fifty minas, so that Bufelus must have left fourteen talents and ten minas, or above three thousand pounds sterling, unless we suppose, that his son Hagnias, and his grandson Polemo, had augmented their fortune by diligence or parsimony.

I must here observe, that I have no certain authority for this succession *in stirpes* to a grandfather's estate at Athens: it is clear, indeed, from the sixth speech of Isæus, that *a daughter shared her paternal inheritance equally with a grandson by another daughter deceased*; but if the first Hagnias had survived both Polemo and Phylomache, I cannot see what claim Eubulides II. could have made to his property, except on a supposition, that the grandchildren succeeded *in capita*; for he could have gained nothing by representing his mother, who was herself no *heirefs*, but a *portioness* only, and would have been wholly excluded by her brother.

There is a difficult passage in the speech on the estate of PHILOCTEMON, which relates to the question now before us, and which seems to have been imperfectly explained by *Desiderius Heraldus*, whose *Animadversions on Salmasius*, although equal in virulence to the invectives of Milton, are a very rich mine of learning on the subject of *Attick* and *Roman* law. His words are these: “The ἐπιδικασία or contest for
 “ *marrying an heirefs*, took place, not only if one or more daughters
 “ were left without a brother, but also if one of them remained single,
 “ after their father had given the rest in marriage; as we may fairly
 “ collect from the speech of Isæus on the inheritance of *Philoctemon*,
 “ where it appears, that Euctemon had left several daughters, one of
 “ whom was unmarried, *together with a son who survived him*; and
 “ that a man, who called himself their nearest kinsman, claimed this
 “ daughter, whose share of Euctemon's estate was become liable to
 “ contest. Now that Euctemon had several daughters, and that one of
 “ them

“ them was unmarried, is evident from the speech ; and the following
 “ passage alludes to the ἐπιδικασία: *Observe too the assurance of Androcles,*
 “ *who first claimed for himself the daughter of Euctemon, as if she had been*
 “ *the heiress, and insisted on his right to a fifth part of the property, as if it*
 “ *had been liable to litigation, yet has now averred that Euctemon left a*
 “ *legitimate son. Has he not by this clearly convicted himself of having*
 “ *given false evidence? He certainly has; for, had a son of Euctemon*
 “ *begotten in wedlock been living, his daughter could not have been heiress,*
 “ *nor could the estate have been open to controversy.* By these words he
 “ impeached the protestation of Androcles, who asserted the right of
 “ Antidorus to Euctemon’s inheritance, as his legitimate son, but had
 “ himself demonstrated the falsity of his own averment, by claiming the
 “ unmarried daughter of the deceased as her next of kin, together with
 “ a *fifth* part of the estate (we must suppose that *four* daughters were
 “ married), which he could never have done, had a legitimate son of
 “ Euctemon been alive ; since, in that case, the daughters were ex-
 “ cluded from the succession, and received portions from their father or
 “ their brother.” How plausible this appears ! but Isæus expressly
 tells the court, that Euctemon had only *two* daughters, the widow of
 Chæreas, who had one daughter, and the wife of Phanostratus, who had
 two sons : now Ergamenes, Hegemon, and Philoctemon all died without
 issue before their father, and we must imagine, when we are examining
 the claim of Androcles, that the last of them had no son by adoption or
 will ; in which case, if the wives of Chæreas and Phanostratus took as
daughters and heiresses of Euctemon, each of them would have been en-
 titled to a *moiety* of his fortune, or, if the second daughter had been also
 dead, her share would have been divided between Chærestratus and his
 brother ; but I am inclined to believe, that they claimed as *representatives*
 of their three brothers, and it will presently be shown in the proper
 place, how the widow, whom Androcles demanded in marriage, might
 have had a right to no more than a *fifth* part of the inheritance.

V. In regard to the *melancholy succession*, as it was justly called, of parents to the possessions of their deceased children, there has been a great variety in the ordinances or customs of ancient and modern nations both in Europe and Asia. The Jewish law of inheritances depended almost wholly on the following rules, 1. The children of the deceased succeeded to his property, and, on failure of them, his father inherited. 2. The heir being dead, he was represented by his issue. 3. Males were preferred to females in equal degrees. If Sositheus, therefore, had been a native of Judea, his estate would have descended to his four sons, the eldest, *Sofia*, taking his double share; but if all of them had been dead without children, the daughter would have taken the whole: she dying childless, the property would have ascended to *Sofia* I. the father of Sositheus; and his heir would have been traced exactly in the same manner; that is, the brothers of the deceased would have succeeded as parceners, but the eldest would not have been entitled to a double portion: on default of brothers and their issue, the sisters would have been called to the succession; and, none of them or their children being alive, the inheritance would have gone up to Callistratus the grandfather, if living; or, if not, to his sons, the uncles of Sositheus, and their issue, or, on failure of that line, to the aunts; but, had they too been dead without children, and had the great-grandfather Eubulides I. been alive, it would still have ascended to him, or devolved upon Philager and Euctemon the great uncles, and the heirs of their bodies; and they also failing, it would have been inherited by the other sons of the ancestor Buselus, and their descendants representing them, so as to be distributed, according to the stocks, among all the agnatick branches, the half-blood and the maternal relations being wholly rejected. These rules of descent, which are concisely laid down in the book of Numbers, and fully explained in the *Misna*, have the merit of extreme simplicity; and are in truth no more than limitations to all the ancestors successively, and the heirs male of their bodies, with remainders to their

issue female, in the same manner as the children of the person deceased inherit his estate, but without the same regard to primogeniture.

At Athens, as well as at Jerufalem, the mother was excluded from the inheritance of her son: this we learn from the speech on the estate of Hagnias, where Theopompus mentions the claim set up for the *mother of the deceased*; a relation, he admits, *the nearest of all by nature*; but not recognised by law among the degrees of succession; and he prevailed, accordingly, by the superior strength of his title. There is, indeed, another part of the same speech, which might lead us at first to imagine, that she was only postponed to all the heirs on the paternal side, and that she took an equal share with a brother of the half blood; but the preceding passage is express, that she was not admissible to the inheritance; and it may be remembered, that she bore a double relation to Hagnias, both as his mother and his second cousin; for she was the sister of Stratius, and the *soror consanguinea* of Theopompus himself.

The Decemviral law, which seems in this instance to have been borrowed from that of *Solon*, excluded mothers from the right of succession to their children; but this rigour was mitigated by the lenity of the Prætors, who sometimes gave relief, on the ground of proximity, by their edicts *Unde Cognati*; and Claudius Cæsar would not suffer a mother to be deprived of the small consolation, which the fortune of her deceased son could afford her. It appears from the speech of Cicero for A. Cluentius, that, by the municipal law of *Larinum*, a borough-town of Italy, the possessions of Avitus would have gone to his mother Saffia, if he had died intestate; but the law of the twelve tables prevailed at Rome, till after the subversion of the republick: the amendment of that unnatural strictness was begun by the just-mentioned Emperor, promoted by the *Senatus consultum Tertullianum* in the time of *Hadrian*, and completed, with some reasonable restrictions, by the Justinianean code.

Our

Our statute of distributions, which was penned by a civilian, and in some measure resembles the Roman law, gives the personal effects of intestate, who die without wife or issue, to his mother, as well as his father, in exclusion of their other children; and the statute of James the Second, like the novel constitutions, ordained, that the mother should take an equal share with the brothers and sisters, and the representatives of them: but the principles of the feudal policy, from which our system of real property was derived, made it impossible for lineal ancestors to inherit; and, although our Henry the First, like the emperor Claudius, restored the right of succession in the ascending line, yet the old rigour still prevails in England, as the same rule, drawn from the same source, obtains also in France. Whether a similar maxim was adopted by the ancient *Arabs*, to whose military institutions it seems agreeable, I have no certain knowledge; few monuments of that people remaining, except their wild songs on the subjects of love and war; but *Mahomed* expressly ordered, that “even if a man left a child, his parents
“ should have each of them a sixth part of his possessions; that, if he
“ died childless, his mother should take a third part, or if he had
“ brethren, a sixth, after payment of his debts and legacies:” as a reason for this ordinance he adds, “You know not whether your parents
“ or your children confer upon you the greater benefit.” The succession of ascendants might have been repugnant to the very essence of feuds; but our laws would have been more natural, as well as convenient, if the transmission of all property had been directed by nearly the same rules, and the distinction between lands and goods had been left to philosophical analysts and speculative lawyers.

The maxim in *Littleton* prohibited only the *lineal* ascent of an inheritance; but at Athens the *collateral* ascendants also were excluded from the succession; and this appears to have been the reason, why, if no testamentary guardian had been appointed, the Archon usually gave the
guardianship

guardianship of the infant heir to his uncle, in conformity to the law of *Solon*, which directed that *none should be nominated guardians, who would inherit the estate on the death of the minor*; an ordinance, which confirms the wisdom of our common law. When the heir had several uncles, the magistrate chose one of them according to his discretion: thus *Dinias* was appointed guardian to his nephews, the grandsons of *Polyarchus*; for, although on failure of their paternal and maternal kinsmen within the limited degrees, he might by possibility have succeeded *jure agnationis*, yet so remote a contingency was not considered; and guardians are expressly named by the old grammarians among the *χρησταί* or *distant relations*, by whom *Phænops* complains in *Homer* that his possessions would be divided, since his two sons, *Xanthus* and *Thoön*, had perished in battle. *Aristomenes*, for the same reason, was nominated guardian to his brother's children; and here we may take occasion to illustrate or correct the rule as to the marriage of heiresses to their nearest kinsmen, *who, if they had not been living, would have inherited the estate*; for the orator says, that *Aristomenes* had the option *either to take his niece himself* or demand her in marriage for his son; since if she had been dead, the fortune of *Aristarchus* would have devolved upon him, *Cyronides* having been previously emancipated: but no small difficulty arises from the second speech, in which it is said more than once, that, if *Phila* had been a legitimate child, and neither of her cousins would have married her, she might have been claimed by *Lysimenes*, or *Pylades*, or *Chæron*, who, if they were the maternal uncles of *Pyrrhus*, as I first imagined, could not possibly have been his heirs, and, if they were his paternal uncles, must have been postponed to all his kinsmen, as far as the second cousins, both on his father's and on his mother's side; so that we must suppose, either that he had no such kinsmen, or that the rule before laid down is erroneous, and that an heiress might be claimed by her relation in the *nearest degree*, whether he could have inherited the estate or not.

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The perpetual exclusion of the maternal uncle from the right of succession, would naturally induce the Archon to appoint him guardian to his sister's son; but, if any just exception could be made to him by the mother herself or any other friend, he might certainly be superseded: thus Diocles, a man accused of the blackest crimes, obtained the guardianship of his nephew, by intimidating his sister, and preventing her from opposing his claim; but Thudippus, who had been at variance with his brother Euthykrates, and was even suspected of having occasioned his death, was not thought a fit person to manage the affairs of young *Astyphilus*, whom the magistrate therefore committed to the care of his father-in-law Theophrastus.

In the fourth speech we see this delicate and important office given to Dicæogenes III. who most infamously abused his trust, and who, if his father Proxenus was really uncle to the deceased, must have been *propior sobrinus*, or *oncle à la mode de Bretagne*, as the French express that relation, or *Welch* uncle, as we sometimes call it, to his ward Cephi-sodotus and the other complainants; whence it may be inferred, that he was not within the degrees of succession; but this point I cannot determine with positive certainty.

Among other articles of a guardian's duty at Athens, he was required by the law to let the estate of the minor to the best advantage, taking good security from the lessees for the payment of the rents; for which purpose the guardian presented a *petition*, and a jury was chosen to establish by their verdict the propriety of the transaction: but a very remarkable passage in the fifth speech of Isæus, shows how negligently this duty was performed; for, when the associates of Alce, who had a complete ascendant over old Euctemon, falsely set forth in their petition, that her two bastards were the adopted sons of Philoctemon and Ergamenes, and that they were testamentary guardians of the infants, praying
that

that their estates might be let to farmers, the court not only neglected to call for proofs of those allegations, but proceeded as of course, and would actually have delivered the property of Chærestratus to a vile set of impostors, if some of his friends had not seasonably been informed of the confederacy. It is probable, indeed, that, when the proclamation was made, the crier called upon all persons interested, to show cause why the land or houses should not be let; but they should have had longer notice; and the whole passage is so difficult, that the more I reflect on the nature and consequences of such a conspiracy, the less I understand, how it could ultimately have availed the conspirators; nor is it possible, that such a transaction could long have been kept secret at Athens, where so flagrant an insult on publick justice would have been punished with the last severity. *Heraldus*, who of all modern jurists has made the best use of Isæus, comments at large on this passage, but expresses some little doubt of its true meaning: his interpretation, however, coincides in general with mine; and I incline to agree also with Petit, who conceives that the estates of minors were let in the month of September, or the beginning of the Attick year, when the old leases usually expired; at which time, as he asserts, the courts of justice were supplied with their proper *complement* of jurymen, whence he explains the words of my author, “as soon as the courts were full,” which *Heraldus* translates, *proximis judiciis et frequenti foro*. I may add, that a sentence in the eighth book of *Pollux* favours the notion of Petit; but the investigation of these minute points belongs properly to notes.

It appears from many passages of my author, as well as from the elegant speech of Lyfias against Diogiton, and the known case of Demosthenes himself, how frequently and scandalously the Athenian guardians injured their wards: thus Archedamus, who assisted APOLLODORUS as his advocate and adviser, gained two decrees by a great majority against Eupolis, who had defrauded his nephew of above six hundred

hundred pounds; while the conduct of Dicæogenes and of Diocles was still more iniquitous. At the age of sixteen a ward might compel his guardian to account by a suit brought in his own name; and Demosthenes proceeded against Aphobus in his seventeenth year; but it seems to have been doubtful, whether, during his minority, he could have maintained a civil action against his guardian for an estate, to which he was entitled; for, when Theopompus complained that he was cruelly and unnecessarily harassed with an εἰσαγγελία or *publick prosecution*, and urged, as an argument in his favour, that the friends of young Stratocles had not regularly claimed his moiety of the inheritance, they answered, that a *minor could not bring a civil action against his guardian*: this he denied, and challenged them to produce the law, by which such an action was forbidden; nor does there seem, indeed, any good reason for such a prohibition. Had it been really as they contended, yet Theopompus intimated an ingenious mode of obtaining justice: “let a petition, says he, be presented to the Archon, that the estate may be let to farm, and then will the lessee have a right to commence a suit against me, if I refuse to give him possession.”

VI. As Hagnias in fact died childless, his brothers, the sons of Polemo, would have inherited his possessions together, and their children would have succeeded *to the shares of their fathers*, by the express words of Solon, to the exclusion, I imagine, of the sisters; and, if none of his brothers or their children had been living, the sisters would have been called to the succession; but as the legislator has not said that the children of sisters should succeed to the shares of their mothers, it is natural to conclude, that they took *in capita*; and this is the only way, in which I am able to solve the difficulty in the speech on the estate of Philoctemon, where it appears that Androcles claimed the widow of Chæreas with a *fifth* part of the inheritance; for she would have been entitled to greater share as heiress either of her father or of her brothers, unless

we

we suppose, that the property of Euctemon was divided in equal proportion among the *two* sisters and their *three* children. Had Phanostratus and his wife been dead, leaving only one son, and had the other sister been single or childless, the estates of her brothers, dying intestate and without issue, would have gone in moieties to Chærestratus and his aunt, according to the case of Thrasybulus, who took an equal share with the wife of Pronapis, of the fortune left by his uncle the son of Eupolis; but it seems probable, that if the wife of Æschines had been alive, she would have been entitled to a *third* part of the inheritance.

Thus, on the death of DICÆOGENES, his four sisters and all their children seem to have had a title to equal portions of his estate; for Menexenus and Cephisodotus are said expressly to have claimed the same share with their cousin, who spoke in the cause, and *whose* sister (for I adopt the emendation proposed by Reiske) is also said to have been entitled equally with her mother. These rights were variously blended by the intermarriages of the first cousins; and here it may be observed, that a brother was permitted at Athens, as we learn from the seventh speech of Isæus, to marry the daughter of his father, not of his mother; but I recollect no Athenian law by which a man was restrained from marrying the sister of his wife, a contract forbidden by the Alcoran, and commonly supposed to be prohibited by the eighteenth chapter of *Leviticus*: my opinion on that subject, which I have had no reason to change, has already been made publick by my much-lamented friend Mr. ALLEYNE, whose virtues, learning, and talents promised no less honour to himself than advantage to his country. We might here enumerate thirty cases, in which the possessions of a person deceased were distributable at Athens to his sons or daughters, brothers or sisters, or their children, severally or in concurrence; but, if a distinction be made between those who claim through females and those who derive their title through males, the number will amount to ninety-six; and in all the possible

possible cases, the respective claims may, I think, easily be adjusted by the help of the preceding rules.

VII. I now proceed to the cousins of Hagnias, and must begin with remarking, that Solon made an essential difference between them and the lineal descendants of a person deceased, or his brothers and sisters and their children; for the preference to males and the issue of males was applied to cousins only, and *M. Auger* is certainly mistaken in supposing that nieces or the children of nieces were postponed to nephews or their sons. The grammarian, who wrote the Greek arguments to Isæus, fell into the same error; although the distinction is fully explained by the orator himself in the sixth speech; where he says, “that the law gives “the sister and the sister’s son an equal share of their father’s and their “brother’s fortune: but that when a cousin dies, or any kinsman in a “remoter degree, the male relations are called to the succession before “the female; for it is enacted, that males and the children of males, “if any be living, shall be preferred, although they are less nearly related to the deceased.” The children, therefore, of *Ciron’s* daughter had a better title than his nephew, whether he was a brother’s or a sister’s son; and the fine reasoning of Isæus on that point was, indeed, as he intimates himself, almost superfluous; but the sister of Stratius II. who stood in the same degree of relation to Hagnias with Theopompus, was wholly excluded from the succession: thus, if APOLLODORUS had died without having appointed an heir, his estate would have descended to Thrasybulus, his first cousin once removed, in preference to the wife of Pronapis, who was nearer by one degree; but as he waived his right and admitted the adoption of Thrasyllus, the female cousin and her husband set up a claim to the inheritance.

The Attick laws preserved by Demosthenes, and the recitals of them in Isæus, mutually correct and explain each other: thus the law of in-

heritances in the speech against Macartatus is supplied by the opening of the speech on the estate of Hagnias; and the passage above cited from my author must be amended from the composition of his immortal pupil, by adding the words *provided that they belong to the same branch*; on which proviso the title of young Eubulides solely depended. *M. Auger* has translated this passage in the following manner: "males and the children of males shall have the preference, provided that they stand in the same degree, and be not farther removed;" but he unquestionably misunderstood it; and the article of *successions*, indeed, is the least perfect of any in his valuable work.

Few words in the Greek and Latin languages are more vague than those, which express the different relations of ἀνεψιότης or *cousinage*; but I must leave a precise interpretation of them to philologists, and be contented here with observing, that, in Isæus and Demosthenes, ἀνεψιοὶ always mean the sons of brothers and sisters, or *first* cousins, whose children, or the *second* cousins, were called ἀνεψιαδοὶ by the Athenians, and by the Romans, *sobrini*; which last relation both Eubulides II. by his father Philager, and the three sons of Charidemus, bore to Hagnias, whose property was in dispute. A first cousin *once removed* was also distinguished by the name of ἀνεψιαδῆς, or son of the ἀνεψιός: thus Cleon and ASTYPHILUS were first cousins; and the son of Cleon was ἀνεψιαδῆς to the deceased, but not, I believe, conversely; although the sons of Aftyphilus and of Cleon would have been reciprocally ἀνεψιαδοὶ to each other. The attentive reader must have anticipated my remark, that Cleon would have been heir at law to his first cousin, if his father Thudippus had not been adopted by another family; and this was the title of Hagnon and Hagnotheus to the estate of NICOSTRATUS: thus, on the death of Hagnias, the son of his aunt Phylomache was entitled to the succession; for, although he derived his relation to the deceased through a female, yet Theopompus, who claimed wholly through

through males, *belonged to a different branch* or family, namely, to that of Stratius I. ; and Wolfius, as Perizonius observes, was mistaken in supposing that Theopompus had the better title. Had a *brother* of Polemo, indeed, left a son, he would have excluded Eubulides, and not only he, but *his* son too, *although in a remoter degree*, would have been preferred. On failure of first cousins and their children, the *second* cousins on the father's side were admitted to the inheritance, which they took, as in their own right, *in capita* ; although the first cousins once removed would have taken *in stirpes*, as representing their fathers : so Theopompus, Stratocles, Stratius, Eubulides, and Menestheus, would have succeeded to *fifth* parts of the estate, the daughter of Callistratus being rejected, as well as Stratonides, the son of Oenanthé ; but Theopompus, the only surviving second cousin, would have been entitled to the whole, if Eubulides had not borne a double relation to Hagnias, one part of which Isæus very artfully suppresses. As to the claim set up by the son of Stratocles, it seems to have been incapable of support ; for, although there be some little variation in the different copies of the law, yet we may safely conclude, that the children of second cousins were not within the legal degrees of succession ; and so the court at Athens determined, for Theopompus died in possession of the whole fortune.

No second cousins being alive, the half-blood was admitted in the same order ; that is, the brothers and sisters, nephews and nieces, on the mother's side, or, on failure of them, the first cousins and their children, and, lastly, the second cousins, but no farther ; for, if no maternal kinsmen existed within those degrees, the *agnati*, or next of kin on the paternal side, were the heirs at law ; and their proximity was traced by counting the degrees from the common ancestor : thus, if Theopompus too had been gone, the half-brother *Glauco* would have succeeded ; or, he being dead without issue, the maternal first cousins or issue of Stratius II. and, perhaps, of Theopompus and Stratocles. I must here again mention a most difficult passage in the tenth speech,

to

to which I before alluded. It is there said expressly, that, “ if Glauco
 “ had relinquished his claim, the *mother of him and of Hagnias* might
 “ then have justly entered into litigation for the property of her son ;
 “ and, as she would have disputed with persons by no means admissible
 “ to the succession, she would clearly have obtained a sentence for the
 “ moiety, both law and natural justice conspiring in her favour.” Now
 the mother of Hagnias was his second cousin on the father’s side ; and,
 as such, would have been entitled to his inheritance on failure of *males*
 in the same degree, to the exclusion, as one would have imagined, of
 the half-blood : how then could her son Glauco have claimed before
 her ? What occasion had she to wait for a waiver of his right ? Was a
 female paternal second cousin postponed to a *frater uterinus* by the
 words of the law, which gave a preference to males ? The more I
 consider this passage, the more it perplexes me ; and I have not yet
 found any satisfactory solution of the difficulty.

I will close this section with observing, that, if the preceding interpretation of the laws be right, and males were only preferred *in the same branch*, the title of the second Phylomache was better than that of Theopompus, who must, therefore, as Demosthenes asserts, have gained a verdict in his favour by some contrivance or surprise.

VIII. I have all along proceeded on a supposition that the heirs of a person deceased were *legitimate children*, who are defined by the first Attick law to be those *born in wedlock of a woman duly betrothed* ; but the thirteenth law, which excluded bastards from *the succession to sacred or civil rights*, must have been re-enacted after the time of Solon, who was appointed legislator one hundred and eighty years before the archonship of Euclid. We have already observed that his laws were made only for a century, and, though they were all perpetuated by Diocles, yet that concerning *bastards* is said to have been revived by *Pericles* and *Aristophon*, who added to the definition of legitimacy, that
both

both parents must be citizens ; and this point we see carefully proved in the fragment of the speech for Euphiletus. The laws of the Greek islands, however, seem to have differed in this respect from those of Athens ; for in Ægina, as we learn from Isocrates, the illegitimate sister of Thrasyllochus instituted a suit against his devisee, who, instead of resting his defence on her inability to inherit, was satisfied with proving the will, and discoursing at large on the friendship which had subsisted between him and the deceased.

I come now to the second part of my commentary, in which I proposed to explain the modes of *appointing* an heir among the Athenians, on failure of *natural* heirs or lineal descendants.

I. Frequent mention is made by the Grecian orators of *desolate heritages*, as they are called by ISAIAH : now a family was considered as *ἐξηρημωμένον* or *become desolate*, when the last occupier of an estate left no son by nature or by appointment, who might perform holy rites at his tomb, preserve his race, and, by transmitting his name to a perpetual chain of successors, confer on him a kind of immortality. As this idea must have been extremely pleasing to men, whose views of a better life were rather faint glimmerings of hope than well-founded expectations, they were very early indulged with the power of *adopting* sons : hence, as Isæus observes in the sixth speech, “ all they, who thought their end “ approaching, took a provident care that their families might not “ become extinct ; and if they had no heirs by birth, yet they left sons “ at least by adoption.” The preservation of names might have been one reason for the preference given to males in the Attick laws of succession ; and it is very remarkable, that, both in Hebrew and Arabick, the word for a male implies *remembrance*, and that for a female, *oblivion* ; but this distinction would not have existed, if it had been enacted, that
the

the husband of an heiress should either assume the name of her ancestor, or give it to one of his sons : even in our own country, and in very modern times, we see a number of devises to men *on condition* that they take the names of the devisors, or to women, *provided that* they marry persons of a particular name ; such has been the fondness of mankind, in most ages and nations, for the jingle of empty sounds ! At Athens children were named on the tenth day after they were born, as on the *lustrical* day of the Romans ; and male infants, as we see in the pedigree of Hagnias, usually received the names of their grandfathers, or some compounds of them, a method recommended in the laws of Plato. Thus one would have thought, that the son of Oenanthe should have been called *Cleocritus*, and that the name of *Stratonides* should have been given to a grandson of Stratius ; but parents were at liberty to impose names as they pleased ; and Sositheus in Demosthenes mentions the motives which induced him to call his four sons, Sofias, Eubulides, Menestheus, and Callistratus. Female children also were frequently named after their grandmothers : thus the name of Phylomache descended to her grand-daughter ; and the uncles of PYRRHUS asserted, that he gave his daughter Phila the name of his own mother *Clitaretæ*, which would have been a strong argument for her legitimacy. This custom was useful in keeping the branches of a family distinct, especially as males were preferred only in the same branch ; and it was forcibly urged against Theopompus, that neither his brethren nor his ancestors bore the name of *Hagnias*, or of *Eubulides*, nor any similar to them, such as Hagnon, Hagnotheus, or Eubulus ; while the other two branches were equally clear of any name like that of Stratius, from whom he descended : it may be worth while to add, that a change of names often took place at Rome, as M. Brutus, who had been adopted by his uncle, is named Q. Cæpio Brutus in a decree of the senate ; but it was usual, on some occasions, to alter the termination only, as Octavius, after the death

death of his adopter C. Cæsar, was called *Octavianus*; and, for a similar reason, one of Cicero's letters is addressed to T. *Pomponianus Atticus*.

The publick interest also was greatly concerned in preventing the desolation of heritages; for it was expedient, that estates, which contributed to defray the general expenses, should be preserved as long as possible; and this mode was preferable in a free government to the laws of escheats and fiscal claims to vacant inheritances: hence we find, that SOLON directed the chief magistrate to prevent the total extinction of families; and hence, if a man died intestate and childless, it was incumbent on the next heir to emancipate one of his own sons or near relations, and appoint him, by a kind of adoption, son to the deceased, together with his name and a considerable portion of his estate. Thus, on the death of Apollodorus the son of Eupolis, one of his sisters ought to have given her own son both his name and part of his fortune; but, as this duty was neglected by the wives of Pronapis and Æschines, their first cousin took care to adopt Thrasyllus, whilst he lived; and the speech on the estate of APOLLODORUS is so clear and full a commentary on this method of adoption *during life*, that it were quite superfluous to write more diffusely on the subject: a few observations, however, may be added without impropriety.

Both at Athens, as we learn from Isæus, and at Rome, as A. Gellius informs us, an adopted son acquired all the rights, both sacred and civil, and succeeded to all the advantages and burdens, of the new family into which he was introduced; nor was he considered in any other light than that of a son by nature born in lawful wedlock, whence the orator asks, “how Philoctemon could have died without a child, when he had “actually adopted his nephew;” but all pretensions whatever to the inheritance of his natural father were wholly lost by adoption or emancipation: thus Cleon was first cousin to ASTYPHILUS, but as his
father

father had been adopted by another person, he no longer bore any relation to the deceased; yet, if Thudippus had left a son in the house of his adopter, and returned, as he lawfully might, into his ancient family, and if Cleon had been born after that return, either he or his son would have been heir to Aftyphilus, in preference to the half-brother. A maternal inheritance, indeed, was not lost by adoption; for the father only was changed: so, when Thrafybulus was adopted by Hippolochides, he still retained and asserted his title to the estate of his mother's brother, a moiety of which he actually received; and he would have taken, as male cousin, the whole fortune of Apollodorus, if the adoption of Thrafyllus had been illegal.

When the adopted son died without children, and consequently without having returned to his natural family, the possessions of the adopter descended to his right heirs; as, on the decease of Endius, the sister of PYRRHUS demanded and obtained his estate, the illegitimacy of Phila and the legality of the adoption being clearly proved: had Phila been legitimate, it appears from the pleadings in the cause, that an adverse possession of *twenty* years would not have barred her title; and we must suppose, that the limitation of *five* years related only to actions brought, and not to *protestations* or *entries* made by lineal descendants, who took possession, if they pleased, without instituting a suit for their inheritance. The speech of Demosthenes, in the cause between *Aristodemus* and *Leochares*, contains a great deal of curious learning concerning adoptions; for the principal question was, *whether an adopted son could himself adopt another*, and the argument of Demosthenes, who maintained the negative, was in substance this: "An adopted son cannot
 " *devise* the property acquired by adoption, for Solon gave the power of
 " devising only to *unadopted* citizens; he cannot, therefore, by *adopting*
 " a son, give him a right to the same property, for a devise is in fact a
 " species of adoption, and both kinds were prohibited together; besides,
 " there

“ there cannot be two adopted sons at the same time ; and the law permits the return of the first in one case only, that is, when he leaves a legitimate son of his own in the family of the person who adopted him.” As to the other question, *who was heir at law to Archiades*, there was no kind of difficulty in it: for the complainant descended from a *brother*, and was therefore preferred by the express words of the law to the issue of a *sister* ; but how Aristoteles could be considered as heir to Leocrates, who was related to him in the *ninth* degree of the civilians, I am at a loss to determine : there are many other dark passages in the speech, which I leave to the interpreters of Demosthenes, it being my sole business at present to illustrate Isæus. One thing only I may remark with *M. Auger* ; that no objection was taken to the adoption of Leocrates, because the supposed adopter had never been married ; and I at first thought with him, that *the adopted son must necessarily have been a genuine citizen* ; but the fragment in defence of *Euphiletus* seems to prove, that foreigners were sometimes adopted, unless we suppose, as I think we may, that Isæus was there speaking of *supposititious*, not of adopted, sons. The true end and essential conditions of an adoption at *Rome* are explained with admirable perspicuity by Cicero, in his noble speech *for the restitution of his Palatine house*, in which he proves that *Clodius* had been illegally adopted : it appears from that whole business, that a Roman, properly qualified in other respects, might adopt a man of a different rank from himself ; but such an adoption, it seems, was forbidden by the laws of *Ægina* and *Siphnus*, either during life or by testament, whence Isocrates takes pains to show, that the devisee of *Thrasyllochus* was *a citizen inferiour to none of the Siphnians*, and educated in the same manner with his friend.

II. The power of devising property, which SOLON introduced at Athens but two hundred years before the birth of Demosthenes, is next to be considered ; and the preceding speeches evidently show how

much litigation and imposture followed the introduction of it ; an objection, indeed, which lies in some degree against the laws of succession ; for, when NICOSTRATUS was dead, there appeared no fewer than seven false claimants of his estate by a variety of fictitious titles. I cannot ascribe the destruction of Athenian liberty to this alteration made in the ancient law, and am inclined to doubt the *fact* of its having produced excessive wealth in some citizens, whilst others were impoverished : there are many instances in the Greek orators of persons, who had succeeded, as heirs, to several estates ; but the disadvantages and odium, which attended an excess of riches, were considerably greater at Athens than the benefits or pleasure arising from affluence. Various causes contributed to the subversion of the Athenian state : had Philip never existed, or been less ambitious, had Hyperides and Demosthenes understood the art of war as well as that of rhetoric, had the gold of Persia and Macedonia been less powerful, and the abettors of tyranny less assiduous, Athens might have continued to flourish in splendour and freedom, whether Solon's institution had taken place, or the former strictness had prevailed. Plutarch, indeed, whose judgement is highly to be respected, ascribes the decline of the Spartan government to a similar relaxation of the old severity by the law of *Epitadeus*, which permitted a devise of lands or goods from the natural heir, in opposition to the ordinance of LYCURGUS, which prohibited any alienation of them ; and he imputes even the proposal of such a law to a motive of resentment or of covetousness ; for *Epitadeus*, says he, was a proud seditious man, and had quarrelled bitterly with his own son ; but the permission given by him to alien an estate at all, and not merely to leave it by will, was the evil of which the historian complains ; for, when most of the inheritances in Lacedæmon had been transferred from the lawful heirs, there remained only seven hundred genuine citizens, among whom not more than one hundred were in possession of lands : yet, if the Athenian silver had not found its way into *Sparta*, the law would have been innocent,

innocent, although less expedient in a military, than in a commercial, nation.

Whether the law of Solon was politick or not, it had the merit of conciseness and simplicity, and the student may not be displeased to compare it with the statute of our Henry the Eighth, who certainly was not a Solon: but it would be foreign from my design to discourse upon it at large, much less to subjoin a treatise on devises, or to analyse every word in the well-known definition of *Modestinus*. So many books have been written upon wills by civilians and common lawyers, that the subject is almost exhausted, and the passages in my author, where mention is made of them, are so clear as to require very little explanation: it will be sufficient, therefore, to conclude this commentary, as I at first proposed, with a few remarks on the execution and revocation of an Athenian will. I have already observed, that the *appointment* of an heir by a man's last testament was regarded at Athens as a mode of *adopting* a son; and of this testamentary *adoption*, for so the Greek orators call it, we have several examples in Isæus: thus the devise of *Philoctemon* is treated all along as an adoption; but his power to devise or adopt in the lifetime of his father is somewhat questionable, since in fact he nominated a representative of himself as son of Euctemon. His power, however, being admitted, let us examine the manner in which it was exercised. We may take notice in the first place, that, although *Cato* the *Censor* repented of his having passed *a single day without a will*, yet the old Athenians were not so provident; for they commonly deferred the execution of their wills, till they were impelled by the apprehension of some approaching danger: thus, when *Apollodorus* was on the point of sailing with the army to *Corinth*, he left his estate, in case of his death, to the daughter of *Archedamus*; and it was argued by the son of *Theophrastus*, that, since *Astyphilus*, who was a soldier by profession, had made no will before his campaigns in the *Corinthian* and *Theban* wars,

it

it was very improbable that he should have chosen to make one, just before his adventure to *Mitylene*, in which he was less exposed to peril. Theopompus also, whose business it was to insist, that *Hagnias* had devised his fortune to *Glauco*, mentions, as a reason why he devised it at all, that *he was preparing to sail on a publick embassy*; and *Philoctemon* is said to have adopted *Chærestratus* by will, lest he should perish in one of his frequent expeditions by land or sea: if, in these cases, possession of the estates had been given to the donees, they would have been complete *donationes mortis causâ*, many examples of which may be found in the ancient poets and historians of Greece; but they seem to have been regular devises according to the law of *Solon*. The express words of that law, as well as the common sense of mankind, required that a testator should have the full enjoyment of his reason and liberty, without which no instrument executed by a man can with any propriety be called his *will*: thus it was contended, that *Philoctemon's* disposition of his property was exactly agreeable to the law, since he had no legitimate children, and had been advanced by his fellow-citizens to the highest honours on account of his superiour talents; and it was no uncommon dilemma, of which we have examples at the conclusion of the first and eighth speeches, “that either no will at all had been made
 “by the deceased, or that, if it had, it was invalid, since he could not
 “have disinherited his relation, whom he always loved, or adopted a
 “person, whom he always abhorred, without having lost his senses by
 “the effects of poison or disease.” From this *specious* mode of reasoning proceeded the *Roman* doctrine of *inofficious* testaments, which were set aside on a presumption of insanity, or of such caprice as amounted to folly: thus the will of *Æbutius*, who, having two daughters of equal merit, left his estate to one of them exclusively of the other, was considered as a proof of madness.

The power and understanding of an Athenian testator being indisputable,

able, he wrote his will in the simplest and clearest manner, and commonly in the following form: " Philoctemon the Cephisian made this testament. If any accident should befall me, and if my wife should not be delivered of a child, I give all my estate and interest to my nephew Chærestratus, whom I adopt as my son; and I bequeath one talent to my wife, together with my house at Cephisia." We may collect from a passage in the eighth speech, that it was not absolutely necessary for a will to be attested; it was usual, however, to have witnesses, and prudent to convene as many friends and relations as could be assembled, in whose presence the will was acknowledged by the testator, but the contents of it were seldom disclosed: it was then *sealed up* for the purpose of secrecy, and generally committed to the care of some kinsman, who was not interested in the destruction of it, or whose integrity was wholly unsuspected. Thus the testament of old *Euctemon* was deposited with his friend Pythodorus, and that of his son with his brother-in-law Chæreas; and the pretended will of *Astyphilus* was said to have been left in the custody of his uncle Hierocles; but the Athenian wills were sometimes placed, for greater security, in one of the publick temples, a method frequent also at Rome; and the will of Cleonymus was, probably, secured in this manner, since, when he wished to cancel it, he sent Posidippus for the ἀσυνόμῳ or *Ædile*, who had the care of all the great buildings at Athens. Notwithstanding these precautions, a number of forged wills were continually set up; and, notwithstanding the wise provisions of the law, as great a number were obtained by improper influence; but, though the profligacy of the Athenians has been ascribed to the form of their government, yet, if we consider the multitude of forgeries and impositions of the same kind, which almost every circuit in England brings to light, we shall be forced to confess, that the people of Attica were profligate, not *because* they had a popular government, but *although* they had it; and we must look for another source of their wickedness and of our own, which I conceive to be
this;

this ; that, “ in artificial society, money soon acquires a value inconsistent with virtue and honesty.”

There is a vein of just reasoning on the evidence of wills in the speech on the estate of *Nicostratus*, whose testament, as well as that of *Astyphilus*, appears to have been forged ; but he must be an unskilful advocate, who cannot make his own case plausible ; and, as the arguments on the other side are not extant, it is impossible for us to decide the causes with justice : the same may be observed as to all the questions of mere fact, which arise in the speeches of Isæus ; but so many disinterested witnesses, whose depositions are preserved by his pupil, confirm the pedigree of HAGNIAS, that it is equally impossible for us to doubt the truth of it.

If PHILOCTEMON had adopted Chærestratus in his life-time, an afterborn child would have been coheir with his adopted son ; but he might have desired to leave his entire possessions to his own issue ; and such an adoption would have been irrevocable, except for the most weighty reasons, whilst a testamentary appointment might be revoked at pleasure. The revocation of wills was usually performed at Athens with great ceremony, and in the presence of a magistrate ; for those, with whom they had been deposited, would not surrender or unseal them, except by the authority of the court, lest they should at any time be charged with having altered them : hence Pythodorus refused to give up the testament of Euctemon, and, when he was called before the Archon, declared that he could have no wish to detain it, but insisted, that, as Chæreas was present, when Euctemon committed the will to his charge, and as an infant daughter of Chæreas was living, whose interests might be affected by the revocation of it, he was authorized to keep it, until her guardian or husband could secure him from any trouble on her account ; and the court approved of his caution ; but the

the will was revoked, it seems, by the *publick* declaration of Euctemon, that it was no longer valid.

The speech on the estate of Cleonymus clearly shows the formality with which a testament was rescinded ; and the question on the *virtual* revocation is discussed with elegance ; nor could Isæus be easily answered, if the *actual* revocation was in truth prevented by the contrivance of the devisees, from which both reason and justice would have forbidden them to derive advantage. I have hitherto purposely abstained from citing *English* cases on the important subject of devises and revocations, because I wished to avoid even the appearance of professional ostentation, and because the books, in which they may be read, are on the shelves of every student, who will find it an agreeable exercise to consider how these Athenian causes would have been decided at Westminster ; but I cannot help alluding to the case of *Burton* and *Gowell* in the thirty-fifth year of Elizabeth, where a man executed a devise at Pulham, and afterwards lying sick at Sterston, said, “ *my will made at Pulham shall not stand,*” and it was holden that these words revoked the will, because the verb apparently future denoted a present resolution, but a declaration of a future intention would not have been sufficient : such words, however, spoken in private, would not have amounted to a revocation at Athens, any more than with us after the statute of frauds.

Before I conclude this commentary, I must take notice of a few circumstances in one or two of the speeches ; and, first, of a passage in that just-mentioned, where *Polyarchus* is said to have directed, that, “ if his son Cleonymus died without issue, the estate should go to his “ grandsons :” now, if this direction had been contained in a will of the grandfather, Cleonymus could hardly have been empowered to deprive the persons in remainder of their interest, since the Athenians had not even an idea of estates-tail by implication, much less of recoveries

veries by which those entails might be barred; we must, therefore, suppose, that this was only a *desire* or *recommendation* of Polyarchus, which his son might legally, although not very decently, disregard. Next, it may be remarked, that, in the real testament of *Philoctemon* and in the pretended one of *Hagnias*, we may discover the rudiments of those *substitutions*, which form so large a part of our modern systems: Hagnias is supposed to have devised his property to his niece, and, after her death, to his half-brother *Glauco*, who, when she died, entered upon the estate by virtue of the remainder, which had been vested in him; but such limitations were, I believe, uncommon among the Athenians, whose jurisprudence was not entangled with the subtle doctrine of contingent and vested interests, or the multitude of perplexing questions, to which the capricious fancy of testators, with a little help from conveyancers, has constantly given birth in England; nor would the ancient courts have suffered justice to be impeded by the technical niceties which confined our countrymen, to whom devises, on their first introduction, appeared, they said, of a *marvellous nature*; and a single question, in the cause of *Curius* and *Coponius*, which the Roman tribunal decided justly in one day, was agitated in our courts for near forty years. I check myself on the prospect of the vast field, into which this subject would lead me, remembering, that it is the sole duty of a commentator to illustrate his author; and the speeches of ISÆUS are made, I flatter myself, sufficiently clear by the preceding observations; although, I confess, that some few clouds and dark places are left in them, which more leisure than my late engagements have permitted me to enjoy, might perhaps have enabled me to disperse and elucidate. I am fully sensible, that deep researches into the legal antiquities of *Greece* and *Rome* are of greater use to scholars and contemplative persons, than to lawyers and men of business; that Bracton and Littleton, Coke and Rolle, are the proper objects of our study; and that, if a client were to ask his counsel whether he had an estate for
life

life or in tail, he would receive little satisfaction from being told, that, whatever estate he had, he might devise it by the law of *Solon*, provided the devisee took his daughter in marriage; but the ablest advocates and wisest judges have frequently embellished their arguments with learned allusions to ancient cases; and such allusions, it must be allowed, are often useful, always ornamental; and, when they are introduced without pedantry, never fail to please. So delightful, indeed, is the study of laws, general and particular, ancient and modern, Asiatick and European, that even the fine arts are not more alluring; and it is with pleasure, as well as firmness, that I adopt the resolution of *CICERO*, which cannot be more forcibly or concisely expressed than in the very words of his letter to *Varro*: “*Mihi hæc videntur—si nemo utetur
 “ operâ, tamen et scribere et legere πολιτείας, et si minùs in curiâ atque
 “ in foro, at in literis et libris, ut doctissimi veteres fecerunt, navare
 “ rempublicam, et de moribus ac legibus quærere.*”

life or in call, he would receive little satisfaction from being told, that
 whatever estate he had, he might leave it by the law of Jews, provided
 the devise took the thing in charge; but the whole subject
 and whole judges have frequently considered their arguments with
 learned allusions to ancient cases; and such allusions, it must be allowed,
 are often useful, always ornamental; and, when they are introduced
 without pedantry, never fail to please. So delightful, indeed, is the
 study of laws, general and particular, ancient and modern, Attick and
 European, that even the time is not more passing; and it is with
 pleasure, as well as necessity, that I adopt the relation of CICEIRO,
 which cannot be more forcibly or concisely expressed than in the very
 words of his letter to Varrus: "Mihî hæc videtur—si nunc utrum
 "upis, tamquam et legere, et legere, et si nunc in curia situs
 "in fore, et in fore et in fore, et in fore, et in fore, et in fore,
 "respublicam, et de moribus ac legibus quærent."

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THE Discourse will comprise observations on the antiquity of the *Arabian* language and letters ; on the dialects and characters of *Himyar* and *Koraisb*, with accounts of some *Himyarick* poets ; on the manners of the *Arabs* in the age immediately preceding that of *Mahomed* ; on the temple at *Mecca*, and the *Moállakát*, or pieces of poetry *suspended* on its walls or gate ; lastly, on the lives of the *Seven Poets*, with a critical history of their works, and the various copies or editions of them preserved in *Europe, Asia, and Africa*.

The Notes will contain authorities and reasons for the translation of controverted passages ; will elucidate all the obscure couplets, and exhibit or propose amendments of the text ; will direct the reader's attention to particular beauties, or point out remarkable defects ; and will throw light on the images, figures, and allusions of the *Arabian* poets, by citations either from writers of their own country, or from such of our *European* travellers as best illustrate the ideas and customs of eastern nations.

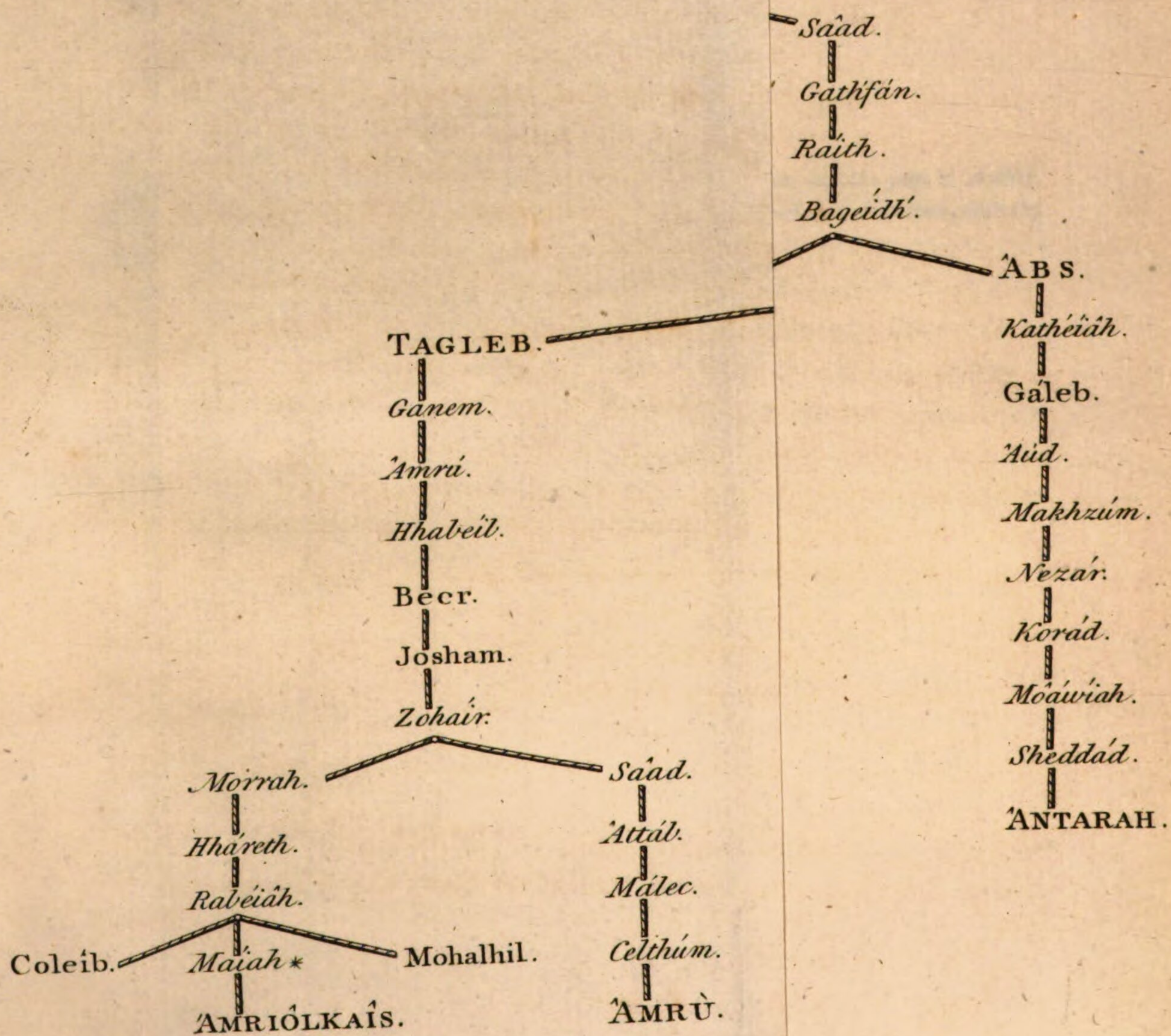
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But the *Discourse* and *Notes* are ornamental only, not essential, to the work; and, by sending it abroad in its present form, the translator may reap no small advantage, if the learned here or on the Continent will favour him in the course of the summer with their strictures and annotations, and will transmit them for that purpose to the publisher. It is hoped, that the war will raise no obstacle to this intercourse with the scholars of *Leyden*, *Paris*, and *Madrid*; for men of letters, as such, ought, in all places and at all times, to carry *flags of truce*.

A.D. 1783.

NOTE.

The *Genealogical Table* must be placed immediately before the translation, and the page in *Arabick*, before the originals: the second plate contains the 32d, 33d, and 34th verses of *Amriolkais*, with the comment of *Tabreizi*.



THE
POEM
OF
AMRIOLKAIS.

THE ARGUMENT.

THE poet, after the manner of his countrymen, supposes himself attended on a journey by a company of friends; and, as they pass near a place, where his mistress had lately dwelled, but from which her tribe was then removed, *he desires them to stop awhile*, that he might indulge the painful pleasure of weeping over the deserted remains of her tent. They comply with his request, but exhort him to show more strength of mind, and urge two topics of consolation; namely, *that he had before been equally unhappy, and that he had enjoyed his full share of pleasures*: thus by the recollection of his passed delight his imagination is kindled, and his grief suspended. He then gives his friends a lively account of his juvenile frolics, to one of which they had alluded. It seems, he had been in love with a girl named *Onaiza*, and had in vain sought an occasion to declare his passion: one day, when her tribe had struck their tents, and were changing their station, the women, as usual, came behind the rest, with the servants and baggage, in carriages fixed on the backs of camels. *Amriolkais* advanced slowly at a distance, and, when the men were out of sight, had the pleasure of seeing *Onaiza* retire with a party of damsels to a rivulet or pool, called *Daratjuljul*, where they undressed themselves, and were bathing, when the lover appeared, dismounted from his camel, and sat upon their clothes, proclaiming aloud, that *whoever would redeem her dress, must present herself naked before him*.

They adjured, entreated, expostulated; but, when it grew late, they found themselves obliged to submit, and all of them recovered their clothes
except

except *Onaiza*, who renewed her adjurations, and continued a long time in the water: at length she also performed the condition, and dressed herself. Some hours had passed, when the girls complained of cold and hunger: *Amriolkais* therefore instantly killed the young camel on which he had ridden, and, having called the female attendants together, made a fire and roasted him. The afternoon was spent in gay conversation, not without a cheerful cup, for he was provided with wine in a leathern bottle; but, when it was time to follow the tribe, the prince (for such was his rank) had neither camel nor horse; and *Onaiza*, after much importunity, consented to take him on her camel before the carriage, while the other damsels divided among themselves the less agreeable burden of his arms, and the furniture of his beast.

He next relates his courtship of *Fathima*, and his more dangerous amour with a girl of a tribe at war with his own, whose beauties he very minutely and luxuriantly delineates. From these love-tales he proceeds to the commendation of his own fortitude, when he was passing a desert in the darkest night; and the mention of the morning, which succeeded, leads him to a long description of his hunter, and of a chase in the forest, followed by a feast on the game, which had been pierced by his javelins.

Here his narrative seems to be interrupted by a storm of lightning and violent rain: he nobly describes the shower and the torrent, which it produced down all the adjacent mountains; and, his companions retiring to avoid the storm, the drama (for the poem has the form of a dramatick pastoral) ends abruptly.

The metre is of the first species, called *long verse*, and consists of the *bacchius*, or *amphibrachys*, followed by the first *epitrite*; or, in the fourth and eighth places of the distich, by the *double iambus*, the last syllable being considered as a long one: the regular form, taken from the second chapter of *Commentaries on Asiatick Poetry*, is this;

“ Amator | puellarum | miser sæ | pe fallitur

“ Ocellis | nigris, labris | odoris, | nigris comis.”

THE
POEM

OF
AMRIOLKAIS.

-
- 1 "STAY—Let us weep at the remembrance of our beloved, at
" *the sight of the station where her tent was raised, by the edge of*
" *yon bending sands between DAHUL and HAUMEL,*
- 2 " TUDAM and MIKRA; *a station, the marks of which are not*
" *wholly effaced, though the south wind and the north have woven*
" *the twisted sand."*
- 3 *Thus I spoke, when my companions stopped their courses by my*
side, and said, " Perish not through despair : only be patient."
- 4 " A profusion of tears, *answered I,* is my sole relief; but what
avails it to shed them over the remains of a deserted mansion?
- 5 " Thy condition, *they replied,* is not more painful than when
" *thou leftest HOWAIRA, before thy present passion, and her neigh-*
" *bour REBABA, on the hills of MASEL."*
- 6 *Yes, I rejoined,* when those two damsels departed, musk was dif-
fused from their robes, as the eastern gale sheds the scent of clove-
gillyflowers :

7 Then gushed the tears from my eyes, through excess of regret,
and flowed down my neck, till my sword-belt was drenched in the
stream.

8 " Yet hast thou passed many days in sweet converse with the
" fair; but none so sweet as the day, which thou spentest by *the pool*
" of DARAT JULJUL."

9 On that day I killed my camel to give the virgins a feast ; and
oh ! how strange was it, that they should carry his trappings and
furniture !

10 The damsels continued till evening helping one another to the
roasted flesh, and to the delicate fat like the fringe of white silk
finely woven.

11 On that happy day I entered the carriage, the carriage of
ONAIZA, who said, " Wo to thee ! thou wilt compel me to travel
" on foot."

12 She added (while the vehicle was bent aside with our weight),
" O AMRIOLKAIS, descend, or my beast also will be killed."

13 I answered : " Proceed, and loosen his rein ; nor withhold from
" me the fruits of thy love, which again and again may be tasted
" with rapture.

14 " Many a fair one like thee, though not *like thee* a virgin, have I
" visited by night ; and many a lovely mother have I diverted from
" the care of her yearling infant adorned with amulets:

15 " When

15 "When the suckling behind her cried, she turned round to
"him with half her body ; but half of it, pressed beneath my em-
"brace, was not turned from me."

16 Delightful too was the day, when FATHIMA at first rejected me
on the summit of yon sand-hill, and took an oath, which she de-
clared inviolable.

17 "O FATHIMA, said I, away with so much coyness; and, if thou
"hadst resolved to abandon me, yet at last relent.

18 "If, indeed, my disposition and manners are unpleasing to thee,
"rend at once the mantle of my heart, that it may be detached
"from thy love.

19 "Art thou so haughty, because my passion for thee destroys me;
"and because whatever thou commandest, my heart performs?

20 "Thou weepest—yet thy tears flow merely to wound my heart
"with the shafts of thine eyes; my heart, already broken to pieces
"and agonizing."

21 *Besides these*—with many a spotless virgin, whose tent had not
yet been frequented, have I holden soft dalliance at perfect leisure.

22 *To visit one of them*, I passed the guards of her bower and a hostile
tribe, who would have been eager to proclaim my death.

23 It was the hour, when the Pleiads appeared in the firmament,
like the folds of a filken sash variously decked with gems.

24 I ap-

24 I approached—she stood *expecting me* by the curtain ; and, *as if she*
was preparing for sleep, had put off all her vesture, but her night-dress.

25 She said—“ By him who created me (and gave me her lovely
“ hand), I am unable to refuse thee; for I perceive, that the blind-
“ nefs of thy passion is not to be removed.”

26 Then I rose with her ; and, as we walked, she drew over our
footsteps the train of her pictured robe.

27 Soon as we had passed the habitations of her tribe, and come to
the bosom of a vale furrounded with hillocks of spiry sand,

28 I gently drew her towards me by her curled locks, and she softly
inclined to my embrace : her waist was gracefully slender ; but
sweetly swelled the part encircled with ornaments of gold.

29 Delicate was her shape ; fair her skin ; and her body well pro-
portioned : her bosom was as smooth as a mirror,

30 Or like the pure egg of an ostrich of a yellowish tint blended
with white, and nourished by a stream of wholesome water not yet
disturbed.

31 She turned aside, and displayed her soft cheek : she gave a timid
glance with languishing eyes, like those of a roe in *the groves of*
WEGERA looking tenderly at her young.

32 Her neck was like that of a milk-white hind, but, when she
raised it, exceeded not the justest symmetry ; nor was the neck of
my beloved so unadorned.

- 33 Her long coal-black hair decorated her back, thick and diffused like bunches of dates clustering on the palm-tree.
- 34 Her locks were elegantly turned above her head ; and the riband, which bound them, was lost in her tresses, part braided part dishevelled.
- 35 She discovered a waist taper as a well-twisted cord ; and a leg both as white and as smooth as the stem of a young palm, or a fresh reed, bending over the rivulet.
- 36 When she sleeps at noon, her bed is besprinkled with musk : she puts on her robe of undress, but leaves the apron *to her handmaids*.
- 37 She dispenses gifts with small delicate fingers, sweetly glowing at their tips, like the white and crimson worm of DABIA, or dentifrices made of ESEL-wood.
- 38 The brightness of her face illumines the veil of night, like the evening taper of a recluse hermit.
- 39 On a girl like her, a girl of a moderate height, between those who wear a frock and those who wear a gown, the most bashful man must look with an enamoured eye.
- 40 The blind passions of men for common objects of affection are soon dispersed ; but from the love of thee my heart cannot be released.
- 41 O how oft have I rejected the admonitions of a morose adviser, vehement in censuring my passion for thee ; nor have I been moved by his reproaches !

42 Often has the night drawn her skirts around me like the billows
of the ocean, to make trial of my fortitude in a variety of cares ;

43 And I said to her (when she seemed to extend her sides, to drag
on her unwieldy length, and to advance slowly with her breast),

44 " Dispel thy gloom, O tedious night, that the morn may rise ;
" although my sorrows are such, that the morning-light will not
" give me more comfort than thy shades.

45 " O hideous night ! a night in which the stars are prevented
" from rising, as if they were bound to a solid cliff with strong
" cables !"

46 Often too have I risen at early dawn, while the birds were yet
in their nests, and mounted a hunter with smooth short hair, of a
full height, and so fleet as to make captive the beasts of the forest ;

47 Ready in turning, quick in pursuing, bold in advancing, firm in
backing ; and performing the whole with the strength and swift-
ness of a vast rock, which a torrent has pushed from its lofty base ;

48 A bright bay steed, from whose polished back the trappings
slide, as drops of rain glide hastily down the slippery marble.

49 Even in his weakest state he seems to boil while he runs ; and
the sound, which he makes in his rage, is like that of a bubbling
cauldron.

50 When other horses, that swim through the air, are languid and
kick the dust, he rushes on like a flood, and strikes the hard earth
with a firm hoof.

51 He

51 He makes the light youth slide from his seat, and violently
shakes the skirts of a heavier and more stubborn rider ;

52 Rapid as the pierced wood in the hands of a playful child,
which he whirls quickly round with a well-fastened cord.

53 He has the loins of an antelope, and the thighs of an ostrich ;
he trots like a wolf, and gallops like a young fox.

54 Firm are his haunches ; and, when his hinder parts are turned
towards you, he fills the space between his legs with a long thick
tail, which touches not the ground, and inclines not to either
side.

55 His back, when he stands in his stall, resembles the smooth
stone on which perfumes are mixed for a bride, or the seeds of
coloquintida are bruised.

56 The blood of the swift game, which remains on his neck, is
like the crimson juice of *Hinna* on grey flowing locks.

57 He bears us speedily to a herd of wild cattle, in which the
heifers are fair as the virgins in black trailing robes, who dance
round *the idol DEWAAR* :

58 They turn their backs, and appear like the variegated shells of
YEMEN on the neck of a youth distinguished in his tribe for a
multitude of noble kinsmen.

59 He soon brings us up to the foremost of the beasts, and leaves
the rest far behind ; nor has the herd time to disperse itself.

60 He

60 He runs from wild bulls to wild heifers, and overpowers them in a single heat, without being bathed, or even moistened, with sweat.

61 Then the busy cook dresses the game, roasting part, baking part on hot stones, and quickly boiling the rest in a vessel of iron.

62 In the evening we depart ; and, when the beholder's eye ascends to the head of my hunter, and then descends to his feet, it is unable at once to take in all his beauties.

63 His trappings and girths are still upon him : he stands erect before me, not yet loosed for pasture.

64 O friend, see'st thou the lightning, whose flashes resemble the quick glance of two hands amid clouds raised above clouds ?

65 The fire of it gleams like the lamps of a hermit, when the oil, poured on them, shakes the cord by which they are suspended.

66 I sit gazing at it, while my companions stand between DAA-RIDGE and ODHAIB ; but far distant is the cloud on which my eyes are fixed.

67 Its right side seems to pour its rain on *the hills of* KATAN, and its left on *the mountains of* SITAAR and YADBUL.

68 It continues to discharge its waters over COTAIFA till the rushing torrent lays prostrate the groves of *Canabbel*-trees.

69 It passes over *mount* KENAAN, which it deluges in its course, and forces the wild goats to descend from every cliff.

70 On

- 70 On *mount* TAIMA it leaves not one trunk of a palm-tree, nor a single edifice, which is not built with well-cemented stone.
- 71 *Mount* TEBEIR stands in the heights of the flood like a venerable chief wrapped in a striped mantle.
- 72 The summit of MOGAIMIR, covered with the rubbish which the torrent has rolled down, looks in the morning like the top of a spindle encircled with wool.
- 73 The cloud unloads its freight on the desert of GHABEIT, like a merchant of YEMEN alighting with his bales of rich apparel.
- 74 The small birds of the valley warble at day-break, as if they had taken their early draught of generous wine mixed with spice.
- 75 The beasts of the wood, drowned in the floods of night, float, like the roots of wild onions, at the distant edge of the lake.

On water TAIMA it leaves not one trunk of a palm-tree, nor a
single edifice, which is not built with well-constructed stones.

Now TAIMA stands in the middle of the flood like a venerable
chief wrapped in a striped mantle.

The summit of MOCAMIR, covered with the rubbish which the
torrent has rolled down, looks like the top of a
spindle encircled with wool.

The cloud unloads its weight on the desert of GHABERT, like
a merchant of Yaman alighting with his piles of rich apparel.

THE ARGUMENT.

THIS poem was occasioned by a little incident highly characteristick of pastoral manners. TARAFa and his brother MABED jointly possessed a herd of camels, and had agreed to watch them alternately, each on his particular day, lest, as they were grazing, they should be driven off by a tribe with whom their own clan was at war; but our poet was so immersed in meditation, and so wedded to his muse, that he often neglected his charge, and was sharply reprov'd by his brother, who asked him sarcastically, *Whether, if he lost the camels, they could be restored by his poetry?* "You shall be convinced of it," answered TARAFa; and persisted so long in his negligence, that the whole herd was actually seized by the MODARITES. This was more than he really expected; and he applied to all his friends for assistance in recovering the camels: among others, he solicited the help of his cousin MALEC, who, instead of granting it, took the opportunity of rebuking him with acrimony for his remissness in that instance, and for his general prodigality, libertinism, and spirit of contention; telling him, that *he was a disgrace to his family, and had raised innumerable enemies.*

The defence of a poet was likely to be best made in poetical language; and TARAFa produced the following composition in vindication of his character

ter and conduct, which he boldly justifies in every respect, and even claims praise for the very course of life, which had exposed him to censure.

He glories in his passion for women, and begins as usual with lamenting the departure of his beloved KHAULA, or *the tender fawn*; whose beauty he describes in a very lively strain. It were to be wished, that he had said more of his mistress, and less of his camel, of which he interweaves a very long, and no very pleasing, description.

The rest of the poem contains an elege on his own fortitude, sprightliness, liberality, and valour, mixed with keen expostulations on the unkindness and ingratitude of MALEC, and with all the common topicks in favour of voluptuousness: he even triumphs on having slain and dressed one of his father's camels, and blames the old man for his churlishness and avarice. It is a tradition preserved by *Abu Obeida*, that one of the chiefs, whom the poet compliments in the *eightieth* couplet, made him *a present of a hundred camels*, and enabled him, as he had promised, to convince his brother, *that poetry could repair his loss*.

The metre is the same with that used by AMRIOLKAIS.

THE
POEM
OF

T A R A F A.

1 "THE mansion of KHAULA is desolate, and the traces of it
"on the stony hills of TAHMED faintly shine, like the remains of
"blue figures painted on the back of a hand."

2 "While I spoke thus to myself, my companions stopped their
"coursers by my side, and said, "Perish not through despair, but
"act with fortitude."

3 Ah! said I, the vehicles, which bore away my fair one, on the
morning when the tribe of MALEC departed, and their camels were
traversing the banks of DEDA, resembled large ships

4 Sailing from ADULI; or vessels of the merchant IBN YAMIN,
which the mariner now turns obliquely, and now steers in a direct
course;

5 Ships, which cleave the foaming waves with their prows, as a
boy at his play divides with his hand the collected earth.

- 6 In that tribe was a lovely antelope with black eyes, dark ruddy lips, and a beautiful neck gracefully raised to crop the fresh berries of ERAC, a neck adorned with two strings of pearls and topazes.
- 7 She strays from her young, and feeds with the herd of roes in the tangled thicket, where she browses the edges of the wild fruit, and covers herself with a mantle of leaves :
- 8 She smiles, and displays her bright teeth rising from their dark-coloured basis, like a privet-plant in full bloom, which pierces a bank of pure sand moistened with dew :
- 9 To her teeth the sun has imparted his brilliant water ; but not to the part where they grow, which is sprinkled with lead-ore, while the ivory remains unspotted.
- 10 Her face appears to be wrapped in a veil of sunbeams : unblemished is her complexion, and her skin is without a wrinkle.
- 11 Such cares *as this*, whenever they oppress my soul, I dispel *by taking adventurous journies* on a lean, yet brisk, camel, who runs with a quick pace both morning and evening ;
- 12 Sure-footed, firm and thin as the planks of a bier ; whose course I hasten over long-trodden paths, variegated like a striped vest.
- 13 She rivals the swiftest camels even of the noblest breed, and her hind-feet rapidly follow her fore-feet on the beaten way.
- 14 In the vernal season, she grazes on yon two hills among others of her race, whose teats are not yet filled with milk, and depas-
tures

tures the lawns, whose finest grass the gentle showers have made luxuriantly green.

15 She turns back at the sound of her rider's voice ; and repels the caresses of a thick-haired ruffet stallion with the lash of her bushy tail,

16 Which appears as if the two wings of a large white eagle were transfixed by an awl to the bone, and hung waving round both her sides :

17 One while it lashes the place of him, who rides hindmost on her ; another while, it plays round her teats, which are become wrinkled and flaccid like a leathern bag, their milk no longer distending them.

18 Her two haunches are plump, and compact as the two smooth valves of a lofty castle-gate.

19 Supple is her back-bone : her ribs are like the strongest bows ; and her neck is firmly raised on the well-connected vertebres.

20 The two cavities under her shoulders are spacious as two dens of beasts among the wild lotus-plants ; and stiff bows appear to be bent under her finewy loins.

21 Her two thighs are exceedingly strong, and, when she moves, they diverge like two buckets carried from a well in the hands of a robust drawer of water.

22 *Her joints are well knit, and her bones are solid*, like a bridge of GRECIAN architecture, whose builder had vowed, that he would enclose it with well-cemented bricks.

23 The hair under her chin is of a reddish hue : her back is muscular : she takes long, yet quick, steps with her hind-feet, and moves her fore-feet with agility ;

24 She tosses them *from her chest* with the strength and swiftness of cables firmly pulled *by a nervous arm* ; and her shoulders are bent like the rafters of a lofty dome :

25 She turns rapidly from the path : exceedingly swift is her pace ; long is her head ; and her shoulder-bones are strongly united to her sides.

26 The white and hollow marks of the cords, with which her burdens have been tied to her back, resemble pools of water on the smooth brow of a solid rock,

27 Marks, which sometimes unite and sometimes are distinct, like the gores of fine linen, which are sewed under the arms of a well-cut robe.

28 Long is her neck ; and, when she raises it with celerity, it resembles the stern of a ship floating aloft on the billowy TIGRIS.

29 Her skull is firm as an anvil ; and the bones, which the futures unite, are indented, and sharp as a file.

30 Her cheek is smooth and white as paper of SYRIA ; and her lips, as soft as dyed leather of YEMEN, exactly and smoothly cut.

31 Her

31 Her two eyes, like two polished mirrors, have found a hiding-place in the caverns of their orbits, the bones of which are like rocks, in whose cavities the water is collected :

32 Thou beholdest them free from blemish or spot, and resembling in beauty those of a wild-cow, the mother of playful young, when the voice of the hunter has filled her with fear.

33 Her ears truly distinguish every sound, to which she listens attentively in her nightly journies, whether it be a gentle whisper or a loud noise ;

34 Sharp ears, by which the excellence of her breed is known ! ears, like those of a solitary wild-bull in the groves of HAUMEL.

35 Her heart, easily susceptible of terror, palpitates with a quick motion, yet remains firm *in her chest* as a round solid stone striking a broad floor of marble.

36 If I please, she raises her head to the middle of her trappings, and swims with her fore-legs as swift as a young ostrich.

37 If I please, she moves more slowly ; if not, she gallops, through fear of the strong lash formed of twisted thongs.

38 Her upper lip is divided, and the softer part of her nose is bored : when she bends them towards the ground, her pace is greatly accelerated.

39 On a camel like this I continue my course, when the companion of my adventure exclaims : “ Oh ! that I could redeem thee, and “ redeem myself from the impending danger !”

40 While

40 While his soul flutters through fear, and, imagining that he has
lost the way, he supposes himself on the brink of perdition.

41 When the people say aloud, "Who is the man *to deliver us*
from calamity?" I believe that they call upon me, and I disgrace
not their commission by supineness or folly.

42 I shake the lash over my camel, and she quickens her pace,
while the sultry vapour rolls in waves over the burning cliffs.

43 She floats proudly along with her flowing tail, as the dancing-
girl floats in the banquet of her lord, and spreads the long white
skirts of her trailing vest.

44 I inhabit not the lofty hills through fear of enemies or of guests;
but, when the tribe or the traveller demand my assistance, I give
it eagerly.

45 If you seek me in the circle of the assembled nation, there you
find me; and, if you hunt me in the bowers of the vintner, there
too you discover your game.

46 When you visit me in the morning, I offer you a flowing goblet;
and, if you make excuses, I bid you drink it with pleasure, and re-
peat your draught.

47 When all the clan are met to state their pretensions to nobility,
you will perceive me raised to the summit of an illustrious house,
the refuge of the distressed.

48 My companions in the feast are youths bright as stars, and
finging-girls, who advance towards us, clad in striped robes and
saffron-coloured mantles :

49 Large is the opening of their vests above their delicate bosoms,
through which the inflamed youth touches their uncovered breasts
of exquisite softness.

50 When we say to one of them, " Let us hear *a song*," she steps
before us with easy grace, and begins with gentle notes, in a voice
not forced :

51 * When she warbles in a higher strain, you would believe her
notes to be those of camels lamenting their lost young.

52 Thus I drink old wine without ceasing, and enjoy the delights
of life ; selling and dissipating my property both newly acquired
and inherited ;

53 Until the whole clan reject me, and leave me solitary like a
diseased camel smeared with pitch :

54 Yet even now I perceive, that the sons of earth (*the most indi-
gent men*) acknowledge my bounty, and the rich inhabitants of yon
extended camp *confess my glory*.

55 O thou, who censurest me for engaging in combats and pur-
suing pleasures, wilt thou, *if I avoid them*, insure my immortality ?

56 If thou art unable to repel the stroke of death, allow me, before it comes, to enjoy the good, which I possess.

57 Were it not for three enjoyments, which youth affords, I swear by thy prosperity, that I should not be solicitous how soon my friends visited me on my death-bed :

58 First; to rise before the censurers awake, and to drink tawny wine, which sparkles and froths when the clear stream is poured into it.

59 Next, when a warrior, encircled by foes, implores my aid, to bend towards him my prancing charger, fierce as a wolf among the GADHA-trees, whom the sound of human steps has awakened, and who runs to quench his thirst at the brook.

60 Thirdly, to shorten a cloudy day, a day astonishingly dark, by toying with a lovely delicate girl under a tent supported by pillars,

61 A girl, whose bracelets and garters seem hung on the stems of OSHAR-trees, or of *ricinus*, not stripped of their soft leaves.

62 Suffer me, whilst I live, to drench my head *with wine*, lest, having drunk too little in my life-time, *I should be thirsty in another state.*

63 A man of my generous spirit drinks his full draught to-day; and to-morrow, when we are dead, it will be known, which of us has not quenched his thirst.

64 I see no difference between the tomb of the anxious miser, gasping over his hoard, and the tomb of the libertine lost in the maze of voluptuousness.

65 You behold the sepulchres of them both raised in two heaps of earth, on which are elevated two broad piles of solid marble among the tombs closely connected.

66 Death, I observe, selects the noblest heroes for her victims, and reserves as her property the choicest possessions of the fordid hoarder.

67 I consider time as a treasure decreasing every night; and that, which every day diminishes, soon perishes for-ever.

68 By thy life, my friend, when death inflicts not her wound, she resembles a camel-driver, who relaxes the cord which remains twisted in his hand.

69 What causes the variance, which I perceive, between me and my cousin MALEC, who, whenever I approach him, retires and flees to a distance?

70 He censures me, whilst I know not the ground of his censure; just as KARTH, the son of AABED, reproved me in the assembly of the tribe.

71 He bids me wholly despair of all the good which I seek, as if we had buried it in a gloomy grave;

72 And

72 And this for no defamatory words which I have uttered, but only because I fought, without remissness, for the camels of my brother MABED.

73 I have drawn closer the ties of our relation, and I swear by thy prosperity, that, in all times of extreme distress, my succour is at hand.

74 Whenever I am summoned on momentous enterprises, I am prepared to encounter peril; and, whenever the foe assails thee impetuously, I defend thee with equal vehemence.

75 If any base defamers injure thy good name by their calumnies, I force them, without previous menace, to drain a cup from the pool of death;

76 Yet, without having committed any offence, I am treated like the worst offender, am censured, insulted, upbraided, rejected.

77 Were any other man *but* MALEC my cousin, he would have dispelled my cares, or have left me at liberty for a season.

78 But my kinsman strangles me with cruelty, even at the very time when I am giving thanks for past, and requesting new, favours; even when I am seeking from him the redemption of my soul.

79 The unkindness of relations gives keener anguish to every noble breast than the stroke of an INDIAN cimeter.

80 Permit me then to follow the bent of my nature, and I will be grateful for thy indulgence, although my abode should be fixed at such a distance as the mountains of DARGHED.

81 Had it pleased the Author of my being, I might have been illustrious as KAIS, the son of KHALED; had it pleased my Creator, I might have been eminent as AMRU, the son of MORTHEB:

82 Then should I have abounded in wealth; and the noblest chiefs would have visited me as a chieftain equally noble.

83 I am light, as you know me all, and am nimble; following my own inclinations, and briskly moving as the head of a serpent with flaming eyes.

84 I have sworn, that my fide should never cease to line a bright INDIAN blade with two well-polished and well-sharpened edges.

85 A penetrating cimeter! When I advance with it in my defence against a fierce attack, the first stroke makes a second unnecessary: it is not a mere pruning-fickle,

86 But the genuine brother of confidence, not bent by the most impetuous blow; and, when they say to me, "Gently," I restrain its rage, and exclaim, "It is enough."

87 When the whole clan are bracing on their armour with eager haste, thou mayst find me victorious in the conflict, as soon as my hand can touch the hilt of this cimeter.

88 Many a herd of slumbering camels have I approached with my
drawn fabre, when the foremost of them *awakening* have fled through
fear of me :

89 But one of them has passed before me, strong-limbed, full-
breasted, and well-fed, the highly-valued property of a morose old
churl, dry and thin as a fuller's club.

90 He said to me, when the camel's hoof and thigh were dismem-
bered, " Seest thou not how great an injury thou hast done me ?"

91 Then he turned to his attendants, saying, " What opinion do
" you form of that young wine-drinker, who assails us impetuously,
" whose violence is preconcerted ?"

92 " Leave him, he added, and let this camel be his perquisite ;
" but, unless you drive off the hindmost of the herd, he will
" reiterate his mischief."

93 Then our damsels were busy in dressing the camel's foal, and
eagerly served up the luscious bunch.

94 O daughter of MABED, sing my praises, if I am slain, according
to my desert, and rend thy vest with sincere affliction !

95 Compare me not with any man, whose courage equals not my
courage ; whose exploits are not like mine ; who has not been en-
gaged in combats, in which I have been distinguished ;

96 With a man slow in noble enterprises, but quick in base pursuits ;
dishonoured in the assembly of the tribe, and a vile outcast.

97 Had

97 Had I been ignoble among my countrymen, the enmity of the
befriended and the friendless might have been injurious to me ;

98 But their malevolence is repelled by my firm defiance of them,
by my boldness in attack, by my solid integrity, and my exalted
birth.

99 By thy life, the hardest enterprises neither fill my day with
solicitude, nor lengthen the duration of my night :

100 But many a day have I fixed my station immovably in the close
conflict, and defended a pass, regardless of hostile menaces,

101 On my native field of combat, where even the boldest hero
might be apprehensive of destruction ; where the muscles of our
chargers quake, as soon as they mingle in battle ;

102 And many an arrow *for drawing lots* have I seen well-hardened
and made yellow by fire, and then have delivered it into the hand
of a gamester noted for ill fortune.

103 *Too much wisdom is folly* ; for time will produce events, of which
thou canst have no idea ; and he, to whom thou gavest no com-
mission, will bring thee unexpected news.

THE
POEM

OF

Z O H A I R.

THE ARGUMENT.

THE war of DAHIS, of which *Amriolkais* is by some supposed to have been the cause, had raged near forty years, if the *Arabian* account be true, between the tribes of ABS and DHOBYAN, who both began at length to be tired of so bloody and ruinous a contest: a treaty was therefore proposed and concluded; but HOSEIN, the son of DEMDEM, whose brother HAREM had been slain by WARD, the son of HABES, had taken a solemn oath, not unusual among the Arabs, *that he would not bathe his head in water*, until he had avenged the death of his brother, by killing either WARD himself, or one of his nearest relations. His head was not long unbathed; and he is even supposed to have violated the law of hospitality by slaying a guest, whom he found to be an ABSITE descended lineally from the common ancestor GALEB. This malignant and vindictive spirit gave great displeasure to HARETH and HAREM, two virtuous chiefs of the same tribe with HOSEIN; and, when the ABSITES were approaching in warlike array to resent the infraction of the treaty, HARETH sent his own son to the tent of their chief with *a present of a hundred fine camels*, as an atonement for the murder of their countryman, and a message importing his firm reliance on their honour, and his hope, *that they would prefer the milk of the camels to the blood of his son*. Upon this *Rabeiab*, the prince of ABS, having harangued his troops,

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and received their approbation, sent back the youth with this answer ; that
 “ he accepted the camels as an expiatory gift, and would supply the im-
 “ perfection of the former treaty by a sincere and durable peace.”

In commemoration of this noble act, ZOHAIK, then a very old man, composed
 the following panegyrick on *Hareth* and *Harem* ; but the opening of it,
 like all the others, is amatory and elegiack : it has also something of the
 dramattick form.

The poet, supposed to be travelling with a friend, recognises the place where
 the tent of his mistress had been pitched twenty years before : he finds it
 wild and desolate ; but his imagination is so warmed by associated ideas
 of former happiness, that he seems to discern a company of damsels, with
 his favourite in the midst of them, of whose appearance and journey he
 gives a very lively picture ; and thence passes, rather abruptly, to the
 praises of the two peace-makers and their tribe ; inveighs against the
 malignity of HOSEIN ; personifies *War*, the miseries of which he describes in
 a strain highly figurative ; and concludes with a number of fine maxims,
 not unlike the proverbs of *Solomon*, which he repeats to his friend as a spe-
 cimen of his wisdom acquired by long experience.

The measure is the same with that of the first and second poems.

THE
P O E M

OF

Z O H A I R.

- 1 ARE these the only traces of the lovely OMMAUFIA? Are these the silent ruins of her mansion in the rough plains of DER-RAAGE and MOTHATALLEM?
- 2 Are the remains of her abode, in the two stations of RAKMA, become like blue stains renewed with fresh woad on the veins of the wrist?
- 3 There the wild cows with large eyes, and the milk-white deer, walk in slow succession, while their young rise hastily to follow them from every lair.
- 4 On this plain I stopped, after an absence of twenty summers, and with difficulty could recollect the mansion of my fair one after long meditation;
- 5 After surveying the black stones on which her cauldrons used to be raised, and the canal round her tent, like the margin of a fish-pond, which time had not destroyed.

6 Soon

- 6 Soon as I recollected the dwelling-place of my beloved, I said to the remains of her bower : “ Hail, sweet bower ; may thy morning be fair and auspicious ! ”
- 7 But, *I added*, look, my friend ! dost thou not discern a company of maidens seated on camels, and advancing over the high ground above *the streams of JORTHAM* ?
- 8 They leave on their right the mountains and rocky plains of KENAAN. Oh ! how many of my bitter foes, and how many of my firm allies, does KENAAN contain !
- 9 They are mounted in carriages covered with costly awnings, and with rose-coloured veils, the linings of which have the hue of crimson *Andem*-wood.
- 10 They now appear by the valley of SUBAAN, and now they pass through it : the trappings of all their camels are new and large.
- 11 When they ascend from the bosom of the vale, they sit forward on the saddle-cloths, with every mark of a voluptuous gaiety.
- 12 The locks of stained wool, that fall from their carriages, whenever they alight, resemble the scarlet berries of night-shade not yet crushed.
- 13 They rose at day-break ; they proceeded at early dawn ; they are advancing towards the valley of RAS *directly and surely*, as the hand to the mouth.

14 Now,

14 Now, when they have reached the brink of yon blue gushing rivulet, they fix the poles of their tents, like the *Arab* with a settled mansion.

15 Among them the nice gazer on beauty may find delight, and the curious observant eye may be gratified with charming objects.

16 *In this place*, how nobly did the two descendants of GAIDH, the son of MORRA, labour to unite the tribes, which a fatal effusion of blood had long divided !

17 I have sworn by the sacred edifice, round which the sons of KORAISH and JORHAM, who built it, make devout processions ;

18 Yes, I have solemnly sworn, that I would give due praise to that illustrious pair, who have shown their excellence in all affairs, both simple and complicated.

19 *Noble chiefs !* You reconciled ABS and PHOBYAN after their bloody conflicts ; after the deadly perfumes of MINSHAM had long scattered poison among them.

20 You said, “ We will secure the publick good on a firm basis :
“ whatever profusion of wealth or exertions of virtue it may de-
“ mand, we *will* secure it.”

21 Thence you raised a strong fabrick of peace ; from which all partial obstinacy and all criminal supineness were alike removed.

22 Chiefs, exalted in the high ranks of MAAD, *father of Arabs !* may you be led into the paths of felicity ! The man, who opens for his country a treasure of glory, should himself be glorified.

23 They

23 They drove to the tents of their appeased foes a herd of young camels, marked for the goodness of their breed, and either inherited from their fathers or the scattered prizes of war.

24 With a hundred camels they closed all wounds : in due season were they given, yet the givers were themselves free from guilt.

25 The atonement was auspiciously offered by one tribe to the other ; yet those, who offered it, had not shed a cupful of blood.

26 Oh ! convey this message from me to the sons of DHOBYAN, and say to the confederates : Have you not bound yourselves in this treaty by an indissoluble tie ?

27 Attempt not to conceal from GOD the designs which your bosoms contain ; for that, which you strive to hide, GOD perfectly knows.

28 He sometimes defers the punishment, but registers the crime in a volume, and reserves it for the day of account : sometimes he accelerates the chastisement, and heavily it falls !

29 War is a dire fiend, as you have known by experience ; nor is this a new or a doubtful assertion concerning her.

30 When you expelled her from your plains, you expelled her covered with infamy ; but, when you kindled her flame, she blazed and raged.

31 She ground you, as the mill grinds the corn with its lower stone : like a female camel she became pregnant ; she bore twice in one year ; and, at her last labour, she was the mother of twins :

32 She

32 She brought forth Distress and Ruin, monsters full-grown, each of them deformed as the dun camel of AAD: she then gave them her breast, and they were instantly weaned.

33 O what plenty she produced in your land! The provisions, which she supplied, were more abundant, no doubt, than those which the cities of IRAK dispense to their inhabitants, weighed with large weights, and measured in ample measures!

34 Hail, illustrious tribe! They fix their tents where faithful allies defend their interests, whenever some cloudy night assails them with sudden adversity.

35 Hail, noble race! among whom neither can the revengeful man wreak his vengeance; nor is the penitent offender left to the mercy of his foes.

36 Like camels, were they turned loose to pasture between the times of watering; and then were they led to copious pools, horrid with arms and blood:

37 They dragged one another to their several deaths; and then were they brought back, like a herd, to graze on pernicious and noxious weeds.

38 I swore by my life, that I would exalt with praises that excellent tribe, whom HOSEIN, the son of DEMDEM, injured, when he refused to concur in the treaty.

39 He bent his whole mind to the accomplishment of his hidden purpose: he revealed it not; he took no precipitate step.

40. He

40 He said, "I will accomplish my design; and will secure myself
"from my foe with a thousand horses well-caparisoned."

41 He made a fierce attack, nor feared the number of tents, where
Death, the mother of vultures, had fixed her mansion;

42 There the warrior stood armed at all points, fierce as a lion
with strong muscles, with a flowing mane, with claws never
blunted;

43 A bold lion, who, when he is assailed, speedily chastises the as-
sailant; and, when no one attacks him openly, often becomes the
aggressor.

44 Yet I swear by thy life, *my friend*, that their lances poured
not forth the blood of IBN NEHEIC, nor of MOTHALLEM cruelly
slain:

45 Their javelins had no share in drinking the blood of NAUFEL,
nor that of WAHEB, nor that of IBN MOJADDEM.

46 The deaths of all those chiefs I myself have seen expiated with
camels free from blemish, ascending the summits of rocks.

47 He, indeed, who rejects the blunt end of the lance, *which is pre-
sented as a token of peace*, must yield to the sharpness of the point,
with which every tall javelin is armed.

48 He, who keeps his promise, escapes blame; and he, who directs
his heart to the calm resting-place of integrity, will never stam-
mer nor quake *in the assemblies of his nation*.

49 He,

49 He, who trembles at all possible causes of death, falls in their way; even though he desire to mount the skies on a scaling-ladder.

50 He, who possesses wealth or talents, and withholds them from his countrymen, alienates their love, and exposes himself to their obloquy.

51 He, who continually debases his mind by suffering others to ride over it, and never raises it from so abject a state, will at last repent of his meanness.

52 He, who sojourns in foreign countries, mistakes his enemy for his friend; and him, who exalts not his own soul, the nation will not exalt.

53 He, who drives not invaders from his cistern with strong arms, will see it demolished; and he, who abstains ever so much from injuring others, will often himself be injured.

54 He, who conciliates not the hearts of men in a variety of transactions, will be bitten by their sharp teeth, and trampled on by their pasterns.

55 He, who shields his reputation by generous deeds, will augment it; and he, who guards not himself from censure, will be censured.

56 I am weary of the hard burdens which life imposes; and every man who, *like me*, has lived fourscore years, will assuredly be no less weary.

57 I have seen Death herself stumble like a dim-fighted camel; but he, whom she strikes, falls; and he, whom she misses, grows old even to decrepitude.

58 Whenever a man has a peculiar cast in his nature, although he supposes it concealed, it will soon be known.

59 Experience has taught me the events of this day and yesterday; but, as to the events of to-morrow, I confess my blindness.

60 * Half of man is his tongue, and the other half is his heart: the rest is only an image composed of blood and flesh.

61 * He, who confers benefits on persons unworthy of them, changes his praise to blame, and his joy to repentance.

62 * How many men dost thou see, whose abundant merit is admired, when they are silent, but whose failings are discovered, as soon as they open their lips!

63 * An old man never grows wise after his folly; but, when a youth has acted foolishly, he may attain wisdom.

64 * We asked, and you gave: we repeated our requests, and your gift also was repeated; but whoever frequently solicits, will at length meet with a refusal.

folly of his fruitless passion for Narmah, who had slighted him, and whose
tent was removed to a considerable distance. Occasion is hence taken
to interweave a long description of the camel, on which he intended to
travel far from the object of his love, and which he compares for swiftness
to a cloud driven by the wind, of a wild ass running to a pool, after hav-
ing subsisted many months on herbage only; or rather to a wild-cow hat-
tening in search of her calf, whose the wolves had left mangled in the
forest: the last comparison consists of seven couplets, and may be com-
pared with the long-tail of the Arabian poets. He then
returns to Narmah, and requires her favours with expressions of equal in-
tensity: he describes the distance; he celebrates his own intrepidity in dan-
ger, and himself on his return he takes occasion to in-
roduce a short, but lively, description of his horse; and, in the seventh

THE
POEM

OF

LEBEID.

THE ARGUMENT.

ALTHOUGH the opening of this poem be that of a love-elegy, and
the greater part of it be purely pastoral, yet it seems to have been
composed on an occasion more exalted than the departure of a mis-
tress, or the complaints of a lover; for the poet, *who was also a genuine
patriot*, had been entertained at the court of NOMAAN, king of HIRA in
Mesopotamia, and had been there engaged in a warm controversy with
RABEIAH, son of Zeiad, chief of the *Abrites*, concerning the comparative
excellence of their tribes: LEBEID himself relates, what might be very
naturally expected from a man of his eloquence and warmth, *that he main-
tained the glory of his countrymen and his own dignity against all opponents*; but,
in order to perpetuate his victory, and to render his triumph more brilliant,
he produced the following poem at the annual assembly, and, having ob-
tained the suffrages of the criticks, was permitted, we are told, to hang it
up on the gate of the Temple.

The fifteen first couplets are extremely picturesque and highly characteristick
of *Arabian* manners: they are followed by an expostulatory address of the
poet himself, or of some friend, who attended him in his rambles, on the
folly

folly of his fruitless passion for *Nawara*, who had slighted him, and whose tent was removed to a considerable distance. Occasion is hence taken to interweave a long description of the camel, on which he intended to travel far from the object of his love, and which he compares for swiftness to a cloud driven by the wind, or a wild-*ass* running to a pool, after having subsisted many months on herbage only; or rather to a wild-cow hastening in search of her calf, whom the wolves had left mangled in the forest: the last comparison consists of *seventeen* couplets, and may be compared with the long-tailed families of the *Greek* and *Roman* poets. He then returns to *Nawara*, and requites her coyness with expressions of equal indifference; he describes the gaiety of his life, and the pleasures which he can enjoy even in her absence; he celebrates his own intrepidity in danger, and firmness on his military station; whence he takes occasion to introduce a short, but lively, description of his horse; and, in the *seventieth* couplet, alludes to the before-mentioned contest, which gave rise to the poem: thence he passes to the praises of his own hospitality; and concludes with a panegyrick on the virtues of his tribe.

The measure is of the fifth class, called *perfect* verse, which regularly consists of the compound foot *benedicent*, six times repeated, in this form:

“ *Tria grata sunt | animo meo, ut | melius nihil,*

“ *Oculi nigri, | cyathus nitens, | roseus calyx.*”

But when the couplet admits the third epitrite, *pastoribus*, and the double iambus, *amantium*, it may be considered as belonging to the seventh, or *tremulous*, class; between which and the *perfect*, the only distinction seems to be, that the *tremulous* never admits the *anapestick* foot. They are both, in the language of *European* prosody, *iambicks*, in which the even places are invariably pure, and the odd places always exclude the dactyl: when the uneven feet are *trochees* or *pyrrhicks*, the verses become *choriambick* or *peonick*; but of this change we have no instance in the poem before us.

THE

THE

POEM

OF

L E B E I D.

1 **D**ESOLATE are the manfions *of the fair*, the ftations in MINIA, where they refted, and thofe where they fixed their abodes! Wild are the hills of GOUL, and deferted is the fummit of RIJAAM.

2 The canals of RAYAAN are deftroyed : the remains of them are laid bare and fmoothed *by the floods*, like characters engraved on the folid rocks.

3 Dear ruins ! Many a year has been clofed, many a month, holy and unhallowed, has elapfed, fince I exchanged tender vows with their fair inhabitants.

4 The rainy conftellations of fpring have made their hills green and luxuriant : the drops from the thunder-clouds have drenched them with profufe, as well as with gentle, fhowers ;

5 *Showers*, from every nightly cloud, from every cloud veiling the horizon at day-break, and from every evening-cloud, responsive with hoarfe murmurs.

6 Here

6 Here the wild eringo-plants raise their tops : here the antelopes bring forth their young by the sides of the valley ; and here the ostriches drop their eggs.

7 The large-eyed wild-cows lie suckling their young, a few days old ; their young, who will soon become a herd on the plain.

8 The torrents have cleared the rubbish, and disclosed the traces of habitations, as the reeds of a writer restore effaced letters in a book ;

9 Or as the black dust, sprinkled over the varied marks on a fair hand, brings to view with a brighter tint the blue stains of woad.

10 I stood asking news of the ruins concerning their lovely inhabitants ; but what avail my questions to dreary rocks, who answer them only by their echo ?

11 In the plains, which now are naked, a populous tribe once dwelled ; but they decamped at early dawn, and nothing of them remains but the canals, which encircled their tents, and the THU-MAAM-plants, *with which they were repaired.*

12 How were thy tender affections raised, when the damsels of the tribe departed ; when they hid themselves in carriages of cotton, like antelopes in their lair, and the tents, as they were struck, gave a piercing sound !

13 They were concealed in vehicles, whose sides were well-covered with awnings and carpets, with fine-spun curtains and pictured veils :

14 A com-

14 A company of maidens were seated in them *with black eyes and graceful motions*, like the wild heifers of TUDAH, or the roes of WEGERA tenderly gazing on their young.

15 They hastened their camels, till the fultry vapour gradually stole them from thy sight; and they seemed to pass through a vale, wild with tamarisks and rough with large stones like the valley of BEISHA.

16 Ah! what remains in thy remembrance of the beautiful NAWARA, since now she dwells at a distance, and all the bonds of union between her and thee, both strong and weak, are torn asunder?

17 A damsel, who sometimes has her abode in FAID, and sometimes is a neighbour to the people of HEJAAZ! how can she be an object of thy desire?

18 She alights at the eastern side of the two mountains, *Aja* and *Salma*, and then stops on the hills of MOHAJJER; ROKHAAM also and FERDA receive her with joy.

19 When she travels towards YEMEN, we may suppose that she rests at SAWAYIK; and baits at the stations of WAHAAF and TELKHAAM.

20 Break then so vain a connexion with a mistress, whose regard has ceased; for hapless is an union with a maid, who has broken her vow!

21 When.

21 When a damsel is kind and complacent, love her with ardent affection ; but, when her faith staggers and her constancy is shaken, let your disunion from her be unalterably fixed.

22 *Execute thy purpose, O Lebeid,* on a camel, wearied by long journeys, which have left but little of her former strength ; a camel, whose sides are emaciated, and on whose back the bunch is diminished :

23 Yet even in this condition, when her flesh is extenuated, and her hair thin, when, after many a toilsome day, the thong of her shoes is broken,

24 Even now she has a spirit so brisk, that she flies with the rein, like a dun cloud driven by the south wind, after it has discharged its shower ;

25 Or like a female wild-afs, whose teats are distended with milk, while the male, by whom she is with foal, is grown lean with driving his rivals from her, with biting and kicking them in his rage.

26 He runs with her up the crooked hills, although he has been wounded in his battles ; but her present coyness, compared with her late fondness, fills him with surprise.

27 He ascends the sandy hillock of THALBUT, and explores its deserted top, fearing lest an enemy should lurk behind the guide-stones.

28 There they remain till the close of the sixth month, till the
frosty

frosty season is past; they subsist on herbage without water; their time of fasting and of retirement is long.

29 The thorns of the BUHMA-plant wound their hind-legs, and the sultry winds of summer drive them violently in their course.

30 At length they form in their minds a fixed resolution of *seeking some cool rivulet*, and the object of their settled purpose is nearly attained.

31 They alternately raise high clouds of dust with an extended shade, as the smoke rises from a pile of dry wood newly kindled and flaming;

32 When fresh ARFADGE-plants are mingled in the heap, and the north-wind plays with the blazing fire.

33 He passes on, but makes her run before him; for such is his usual course, when he fears that she will linger behind.

34 They rush over the margin of the rivulet, they divide the waters of the full stream, whose banks are covered with the plants of KOLAAM,

35 Banks, which a grove of reeds, part erect and part laid prostrate, overshades or clothes as with a mantle.

36 Is this *the swiftness of* my camel? No; rather she resembles a wild-cow, whose calf has been devoured by ravenous beasts, when she had suffered him to graze apart, and relied for his protection on the leader of the herd;

37 A mother with flat nostrils ; who, as soon as she misses her young one, ceases not to run hastily round the vales between the sand-hills, and to fill them with her mournful cries ;

38 With cries for her white-haired young, who now lies rolled in dust, after the dun wolves, hunters of the desert, have divided his mangled limbs, and their feast has not been interrupted.

39 They met him in the moment of her neglect ; they seized him with eagerness ; for oh, how unerring are the arrows of death !

40 She passes the night in agony ; while the rain falls in a continued shower, and drenches the tangled groves with a profuse stream.

41 She shelters herself under the root of a tree, whose boughs are thick, apart from other trees, by the edge of a hill, whose fine sands are shaken by her motion :

42 Yet the successive drops fall on her striped back, while the clouds of night veil the light of the stars.

43 Her white hair glimmers, when the darkness is just coming on, and sparkles like the pearls of a merchant, when he scatters them from their string.

44 At length, when the clouds are dispersed, and the dawn appears, she rises early, and her hoofs glide on the slippery ground.

45 She grows impatient, and wild with grief : she lies frantick in the pool of SOAYID for seven whole days with their twin-sisters, *seven nights ;*

46 And

46 And now she is in total despair ; her teats, which were full of milk, are grown flaccid and dry, though they are not worn by suckling and weaning her young.

47 She now hears the cry of the hunters ; she hears it, but sees them not ; she trembles with fear ; for she knows that the hunters bring her destruction.

48 She sits quivering, and imagines, that the cause of her dread will appear on one side and the other, before and behind her.

49 When the archers despair of *reaching her with their shafts*, they let slip their long-eared hounds, answering to their names, with bodies dry and thin.

50 They rush on ; but she brandishes against them her extended horns, both long and sharp as javelins made by the skilful hand of SAMHAR,

51 Striving to repel them ; for she knows that, if her effort be vain, the destined moment of her death must soon approach :

52 Then she drives *the dog CASAAB* to his fate : she is stained with his blood ; and SOKHAAM is left prostrate on the field.

53 On a camel like this, when the flashes of the noon-tide vapour dance over the plain, and the sultry mist clothes the parched hills,

54 I accomplish my bold design, from which I am not deterred by any fear of reprehension from the most censorious man.

55 Knowest

55 Knowest thou not, O NAWARA, that I preserve the knot of affection entire, or cut it in two, as the objects of it are constant or faithless?

56 That I would leave without reluctance a country not congenial to my disposition, although death were instantly to overtake my soul?

57 Ah! thou knowest not how many serene nights, with sweet sport and mirthful revelry,

58 I pass in gay conversation; and often return to the flag of the wine-merchant, when he spreads it in the air, and sells his wine at a high price:

59 I purchase the old liquor at a dear rate in dark leathern-bottles long repositied, or in casks, black with pitch, whose seals I break, and then fill the cheerful goblet.

60 How often do I quaff pure wine in the morning, and draw towards me the fair lutanist, whose delicate fingers skilfully touch the strings!

61 I rise before the cock to take my morning draught, which I sip again and again, when the sleepers of the dawn awake.

62 On many a cold morning, when the freezing winds howl, and the hand of the north holds their reins, I turn aside their blast *from the travellers, whom I receive in my tent.*

63 When

- 63 When I rise early to defend my tribe, my arms are born by a
swift horse, whose girths resemble my fash adorned with gems.
- 64 I ascend a dusty hill to explore the situation of the foe, and our
dust flying in clouds reaches the hostile standard.
- 65 At length, when the sun begins to sink into darkness, and the
veil of night conceals the ambuscade and the stratagems of our
enemy,
- 66 I descend into the vale; and my steed raises his neck like the
smooth branch of a lofty palm, which he, who wishes to cut it,
cannot reach:
- 67 I incite him to run like a fleet ostrich, in his impetuous course,
until, when he boils in his rage, and his bones are light,
- 68 His trappings are strongly agitated; a shower flows down his
neck; and his surcingle is bathed in the scalding foam.
- 69 He lifts his head: he flies at liberty with the loose rein; and
hastens to his goal, as a dove hastens to the brook, when her
feverish thirst rages.
- 70 There is a mansion (*the palace of NOMAAN*) filled with guests,
unknown to each other, hoping for presents and fearing reproof:
- 71 It is inhabited by men, like strong-necked lions, who menace
one another with malignant hate, like the demons of BADIYA,
with feet firmly rivetted in the conflict.

- 72 I disputed their false pretensions, yet admitted their real merit,
according to my judgement; nor could the noblest among them
surpass me in renown.
- 73 Oft have I invited *a numerous company* to the death of a camel,
bought for slaughter, to be divided by lot with arrows of equal
dimensions:
- 74 I invite them to draw lots for a camel without a foal, and for
a camel with her young one, whose flesh I distribute to all the
neighbours.
- 75 The guest and the stranger, admitted to my board, seem to
have alighted in the sweet vale of *TEBAALA* luxuriant with vernal
blossoms.
- 76 To the cords of my tent approaches every needy matron, worn
with fatigue, like a camel doomed to die at her master's tomb,
whose vesture is both scanty and ragged.
- 77 There they crown with meat, while the wintry winds contend
with fierce blasts, a dish flowing like a rivulet, into which the
famished orphans eagerly plunge.
- 78 When the nations are assembled, some hero of our tribe, firm in
debate, never fails by superior powers to surmount the greatest
difficulty.
- 79 He distributes equal shares: he dispenses justice to the tribes:
he is indignant, when their right is diminished; and, to establish
their right, often relinquishes his own.

80 He acts with greatness of mind and with nobleness of heart :
he sheds the dew of his liberality on those, who need his assistance :
he scatters around his own gains, and precious spoils, the prizes of his valour.

81 He belongs to a tribe whose ancestors have left them a perfect model ;
and every tribe, that descends from us, will have patterns of excellence, and objects of imitation.

82 If their succour be asked, they instantly brace on their helmets,
while their lances and breast-plates glitter like stars.

83 Their actions are not sullied by the rust of time, or tarnished by disgrace ;
for their virtues are unshaken by any base desires.

84 He hath raised for us a fabrick *of glory* with a lofty summit, to
which all the aged and all the young men of our tribe aspire.

85 Be content, therefore, with the dispensations of the Supreme Ruler ;
for He, who best knows our nature, has dispensed justice among us.

86 When peace has been established by our tribe, we keep it inviolate ;
and He, who makes it, renders our prosperity complete.

87 Noble are the exertions of our heroes, when the tribe struggle with hardships ;
they are our leaders in war, and in peace the deciders of our claims :

88 They

88 They are an enlivening spring to their indigent neighbours, and
to the disconsolate widows, whose year passes heavily away.

89 They are an illustrious race ; although their enviers may be wofl
in commending them, and the malevolent censurer may incline to
their foe.

THE
POEM
OF
ANTARA.

THE ARGUMENT.

THIS poem appears to have been a little older than that of ZOHAIK; for it must have been composed *during* the war of DAHIS, which the magnanimity of the two chiefs, extolled by ZOHAIK, *so nobly terminated*. ANTARA, the gallant *Abfite*, of whom so much has already been said in the preliminary discourse, distinguished himself very early in the war by his valour in attacking the tribe of DHOBAN, and boasts in this composition, that he had slain DEMDEM, the father of HOSEIN and of HAREM, whom WARD, the son of HABES, afterwards put to death. An old enmity subsisted, it seems, between our poet and those two young men, who, as ANTARA believed, had calumniated him without provocation; and his chief object in this poem was to blazon his own achievements and exploits, and to denounce implacable resentment against the calumniators, whom his menaces were likely to intimidate: yet so harsh an argument is tempered by a strain in some parts elegiack and amatory; for even this vengeful impetuous warrior found himself obliged to comply with the custom of the ARABIAN poets, *who had left*, as he complains, *little new imagery for their successors*.

He begins with a pathetick address to the bower of his beloved ABLA, and to the ruins of her deserted mansion: he bewails her sudden departure, the distance of her new abode, and the unhappy variance between their re-

spective clans: he describes his passion and the beauties of his mistress with great energy: thence he passes to his own laborious course of life, contrasted with the voluptuous indolence of the fair, and gives a forcible description of his camel, whom he compares to a male ostrich hastening to visit the eggs, which the female, whose usual neglect of them is mentioned by naturalists, had left in a remote valley. He next expatiates on his various accomplishments and virtues; his mildness to those who treat him kindly, his fierceness to those who injure him; his disregard of wealth, his gaiety, liberality; and above all, his military prowess and spirit of enterprise, on which he triumphantly enlarges through the rest of the poem, except four couplets, in which he alludes obscurely to a certain love-adventure; and, after many animated descriptions of battles and single combats, he concludes with a wish, that he may live to slay the two sons of DEMDEM, and with a bitter exultation on the death of their father, whom *he had left a prey to the wild beasts and the vultures.*

The metre is *iambick*, like that of the poem immediately preceding.

THE
POEM
OF
A N T A R A.

- 1 **H**AVE the bards, who preceded me, left any theme unsung?
What, therefore, shall be my subject? Love only must supply my lay.
Dost thou then recollect, after long consideration, the mansion of
thy beloved?
- 2 O bower of ABLA, in the valley of JIWAA, give me tidings of
my love! O bower of ABLA, may the morning rise on thee with
prosperity and health!
- 3 There I stopped my camel, large as a tower, the anguish of my
passion having delayed the accomplishment of my bold enterprise,
- 4 Whilst ABLA was dwelling in JIWAA, and our tribe *were stationed*
in HAZN, and SAMAAAN, and MOTATHALLEM.
- 5 Hail, dear ruins, with whose possessors I had old engagements;
more dreary and more desolate *are you become*, after the departure
of my beloved OMM ALHEITHAM.

- 6 She dwells in the land of my foes, like roaring lions: oh! how painful has been my search after thee, fair daughter of MAKHREM.
- 7 I felt myself attached to her at our first interview, although I had slain her countrymen in battle: I assure thee, by the life of thy father, that of my attachment there can be no doubt.
- 8 *Thou hast possessed thyself of my heart*; thou hast fixed thy abode in it (imagine not that I delude thee) and art settled there as a beloved and cherished inhabitant.
- 9 Yet how can I visit *my fair one*, whilst her family have their vernal mansion in ONEIZATAIN, and mine are stationed in GHAILEM?
- 10 Surely thou hast firmly resolved to depart from me, since the camels of thy tribe are bridled even in so dark a night.
- 11 Nothing so much alarms me *with a signal of her destined removal*, as my seeing the camels of burden, which belong to her tribe, grazing on KHIMKHIM-berries in the midst of their tents:
- 12 Among them *are* forty-two milch camels, dark as the plumes of a coal-black raven.
- 13 Then, ANTARA, she pierced thee to the heart with her well-pointed teeth exquisitely white, the kiss of which is delicious, and the taste ravishingly sweet:
- 14 From the mouth of this lovely damsel, when you kiss her lips, proceeds the fragrance of musk, as from the vase of a perfumer;

- 15 Or like the scent of a blooming bower, whose plants the gentle rains have kept in continual verdure, which no filth has sullied, and to which there has been no resort :
- 16 Every morning-cloud, clear of hail, has drenched it with a plentiful shower, and has left all the little cavities in the earth both round and bright as coins of silver :
- 17 Profusely and copiously it descends ; and every evening the stream, which nothing intercepts, gushes rapidly through it.
- 18 The flies remain in it with incessant buzzing, and their murmurs are like the song of a man exhilarated with wine :
- 19 Their sound, when they strike their slender legs against each other, is like the sound of a flint, from which the sparks are forced by a man with one arm, intent upon his labour.
- 20 While thou, *fair* ABLA, reclinest both evening and morning on the lap of a soft couch, I pass whole nights on the back of a dark-coloured horse well caparisoned.
- 21 My only cushion is the saddle of a charger with firm thick feet, strong sided, and large in the place of his girths.
- 22 Shall a camel of SHADEN bear me to thy tent, *a camel* far removed from her country, destitute of milk, and separated from the herd ?
- 23 She waves her tail in her playful mood, and proudly moves her body from side to side even at the end of her nightly excursion :
the

she strikes the hills with her quickly-moving and firmly-trampling hoofs.

24 Thus the bird without ears, between whose feet there is but a small space, *the swift ostrich* beats the ground in his evening course :

25 The young ostriches gather themselves around him, as a multitude of black YEMENIAN camels assemble round their Abyssinian herdsman, who is unable to express himself *in the language of Arabia*.

26 They follow him guided by the loftiness of his head, which resembles the carriage of travelling damsels, raised on high, and covered like a tent :

27 His head, *though lofty*, is small ; when he is going to visit the eggs, *which his female left* in DHULASHEIRA, he looks like an *Ethiop* with short ears in a trailing garment of furred hides.

28 *My camel* drinks the water of DEHRADHAIN, but starts aside with disdain from the *hostile* rivulets of DAILEM.

29 She turns her right side, as if she were in fear of some large headed screamer of the night,

30 Of a hideous wild cat fixed to her body, who, as often as she bent herself towards him in her wrath, assailed her with his claws and his teeth.

31 I continue all day on the well-cemented tower of her back, strongly raised, and firm as the pillars of him who pitches a tent :

32 *When*

32 *When she rests*, she crouches on the soft bank of RIDAA, and groans through fatigue like the soft sounding reed, which she presses with her weight.

33 *Her sweat* resembles thick rob or tenacious pitch, which the kindled fire causes to bubble in the sides of a cauldron :

34 It gushes from behind her ears, when she boils with rage, exults in her strength, and struts in her pride, like the stallion of her herd, when his rivals assail him.

35 O ABLA, although thou droppest thy veil before me, yet know, that by my agility I have made captive many a knight clad in complete armour.

36 Bestow on me the commendation, which thou knowest to be due ; since my nature is gentle and mild, when my rights are not invaded ;

37 But, when I am injured, my resentment is firm, and bitter as coloquinteda to the taste of the aggressor.

38 I quaff, when the noontide heat is abated, old wine purchased with bright and well-stamped coin ;

39 I quaff it in a goblet of yellow glass variegated with white streaks, whose companion is a glittering flaggon well secured by its lid from the blasts of the north :

40 When I drink it, my wealth is dissipated ; but my fame remains abundant and unimpaired ;

41 And,

41 And, when I return to sobriety, the dew of my liberality continues as fresh as before: give due honour, therefore, to those qualities, which thou knowest me to possess.

42 Many a consort of a fair one, whose beauty required no ornaments, have I left prostrate on the ground; and the life-blood has run founding from his veins, opened by my javelin like the mouth of a camel with a divided lip:

43 With a nimble and double-handed stroke I prevented his attack; and the stream, that gushed from the penetrating wound, bore the colour of anemonies.

44 Go, ask the warriors, O daughter of MALEC, if thou art ignorant of my valour, *ask them* that, which thou knowest not;

45 *Ask how* I act, when I am constantly fixed to the saddle of an elegant horse, swimming in his course, whom my bold antagonists alternately wound;

46 Yet sometimes he advances alone to the conflict, and sometimes he stands collected in a multitudinous throng of heroes with strong bows.

47 *Ask*, and whoever has been witness to the combat, will inform thee, that I am impetuous in battle, but regardless of the spoils.

48 Many a warrior, clad in a suit of mail, at whose violent assault the boldest men have trembled, who neither had saved himself by swift flight nor by abject submission,

49 Has

49 Has this arm laid prone with a rapid blow from a well-straitened
javelin, firm between the knots :

50 Broad were the lips of the wound ; and the noise of the rushing
blood called forth the wolves, prowling in the night, and pinched
with hunger :

51 With my swift lance did I pierce his coat of mail ; and no war-
riour, however brave, is secure from its point.

52 I left him, like a sacrificed victim, to the lions of the forest,
who feasted on him between the crown of his head and his wrists.

53 Often have I burst the interior folds of a well-wrought haber-
geon worn by a famed warrior appointed to maintain his post ;

54 Whose hands were brisk in casting lots, when winter demands
such recreation ; a man, censured for his disregard of wealth, and
for causing the wine-merchant to strike his flag, *by purchasing all
his store.*

55 When he saw me descend from my steed, and rush towards him,
he grinned with horror, but with no smile of joy.

56 My engagement with him lasted the whole day, until his head
and fingers, covered with clotted gore, appeared to be stained with
the juice of IDHLIM.

57 Then I fixed him with my lance : I struck him to the heart
with an INDIAN cimeter, the blade of which was of a bright
water, and rapid was the stroke it gave :

58 A warrior, whose armour seemed to be braced on a lofty tree ;
a chief, who, like a king, wore sandals of leather stained with
EGYPTIAN thorn ; a hero without an equal.

59 O lovely heifer ! how sweet a prey was she to a hunter permit-
ted to chase her ! To me she was wholly denied : O would to
heaven, that she had not been forbidden me !

60 I sent forth my handmaid, and said to her, " Go, ask tidings
" inquisitively of my beloved, and bring me intelligence."

61 She said, " I have seen the hostile guards negligent of their
" watch, and the wild heifer may be smitten by any archer, who
" desires to shoot her."

62 Then she turned towards me with the neck of a young roe,
well-grown, of an exquisite breed among the gazals of the wood,
a roe with a milk-white face.

63 I have been informed of a man ungrateful for my kindness ; but
ingratitude turns the mind of a benefactor from any more benefi-
cence.

64 The instructions, which my valiant uncle gave me, I have dili-
gently observed ; at the time when the lips are drawn away from
the bright teeth,

65 In the struggle of the fight, into whose deepest gulphs the war-
riors plunge themselves without complaint or murmur.

66 When my tribe have placed me as a shield between them and
the

the hostile spears, I have not ignobly declined the danger, although the place, where I fixed my foot, was too narrow to admit a companion.

67 When I heard the din of MORRA raised in the field, and the sons of RABEIA in the thick dust,

68 * And the shouts of DHOHOL at the moment of assault, when they rush in troops to the conflict with all their sharp-biting lions,

69 When even the mildest of the tribes saw the skirmish under their standards (and Death *spreads havoc* under the standard of the mildest nation),

70 Then I knew with certainty, that, in so fierce a contest with them, many a heavy blow would make the perched birds of the brain fly quickly from every skull :

71 As soon as I beheld the legions of our enemies advancing, and animating one another to battle, I too rushed forward, and acted without reproach.

72 The troops called out ANTARA ! while javelins, long as the cords of a well, were forcibly thrust against the chest of my dark steed.

73 I ceased not to charge the foe with the neck and breast of my horse, until he was mantled in blood.

74 My steed, bent aside with the stroke of the lances in his forehead, complained to me with gushing tears and tender sobbing :

75 Had

75 Had he known the art of discourse, he would have addressed me in a plaintive strain ; and, had he possessed the faculty of speech, he would have spoken to me distinctly.

76 In the midst of the black dust, the horses were impetuously rushing with disfigured countenances ; every robust stallion and every strong-limbed short-haired mare.

77 Then my soul was healed, and all my anguish was dispersed, by the cry of the warriors, saying, " Well done, ANTARA ; charge again ! "

78 My camels too are obedient to my will, as often as I desire to kindle the ardour of my heart, and press it on to some arduous enterprise.

79 Yet I fear lest death should seize me, before the adverse turn of war has overtaken the two sons of DEMDEM ;

80 Men, who attacked my reputation, when I had given them no offence, and vowed, when I had never assailed them, to shed my blood ;

81 Yes ! they injured me—but I have left their father, like a victim, to be mangled by the lions of the wood, and by the eagles advanced in years.

THE
POEM
OF
AMRU.

THE ARGUMENT.

THE discordant and inconsistent accounts of the commentators, who seem to have collected without examination every tradition that presented itself, have left us very much in the dark on the subject of the two following poems; but the common opinion, which appears to me the most probable, is, that they are, in fact, *political and adverse declamations*, which were delivered by AMRU and HARETH at the head of their respective clans, before AMRU the son of HINDA, king of HIRA in *Mesopotamia*, who had assumed the office of mediator between them after a most obstinate war, and had undertaken to hear a discussion of their several claims to pre-eminence, and to decide their cause with perfect impartiality. In some copies, indeed, as in those of NAHAS and of ZAUZENI, the two poems are separated; and in that of OBAIDALLA, the poem of HARETH is totally omitted; a remarkable fact, of which I have made some use to a different purpose in the preliminary dissertation. Were I to draw my opinion solely from the structure and general turn of AMRU's composition, I should conceive that the king of HIRA, who, like other tyrants, wished *to make all men just but himself, and to leave all nations free but his own*, had attempted to enslave the powerful tribe of TAGLEB, and to appoint a prefect over them, but that the warlike possessors of the deserts and forests had openly disclaimed his authority, and employed

employed their principal leader and poet to send him defiance, and magnify their own independent spirit.

Some ARABIAN writers assert, what there is abundant reason to believe, that the above-mentioned king was killed by the author of the following poem, who composed it, say they, on that occasion; but the king himself is personally addressed by the poet, *and warned against precipitation in deciding the contest*; and, where mention is made of *crowned heads left prostrate on the field*, no particular monarch seems to be intended, but the conjunction *copulative* has the force, as it often has in *Arabick*, of a *frequentative* particle.

Let us then, where certainty cannot be obtained, be satisfied with high probability, and suppose, with TABREIZI, that the two tribes of BECR and TAGLEB, having exhausted one another in a long war, to which the murder of COLEIB the *Taglebite* had given rise, agreed to terminate their ruinous quarrel, and to make the king of HIRA their umpire; that, on the day appointed, the tribes met before the palace or royal tent; and that AMRU, the son of CELTHUM, prince of the *Taglebites*, either pronounced his poem according to the custom of the *Arabs*, or stated his pretensions in a solemn speech, which he afterwards versified, that it might be more easily remembered by his tribe and their posterity.

The oration or poem, or whatever it may be called, is arrogant beyond all imagination, and contains hardly a colour of argument: the prince was, most probably, a vain young man, proud of his accomplishments, and elate with success in his wars; but his production could not fail of becoming extremely popular among his countrymen; and his own family, the descendants of JOSHAM the son of BECR, were so infatuated by it, that (as one of their own poets admits) *they could scarce ever desist from repeating it, and thought they had attained the summit of glory without any farther exertions of virtue*. He begins with a strain perfectly *Anacreontick*, the elegiack style of the former poems not being well adapted to his eager exultation and triumph; yet there is some mixture of complaint on the departure of his mistress, whose beauties he delineates with a boldness and energy highly characteristic

teristick of unpolished manners: the rest of his work consists of menaces, vaunts, and exaggerated applause of his own tribe for their generosity and prowess, the goodness of their horses, the beauty of their women, the extent of their possessions, and even the number of their ships; which boasts were so well founded, that, according to some authors, if MAHOMED had not been born, the *Taglebites* would have appropriated the dominion of all *Arabia*, and possibly would have erected a mighty state, both civil and maritime.

This poem is composed in *copious* verse, or metre of the *fourth* species, according to the following form:

“ Amatores | puellarum | misellos

“ Ocellorum | nitor multos | fefellit.”

But the compound foot *amore furens* is used at pleasure instead of the first epitrite; as,

“ Venuſta puel | la, tarda venis | ad hortum,

“ Parata lyra eſt, | paratus odor | roſarum.”

THE
POEM

OF

A M R U.

-
- 1 **HOLLA!**—Awake, sweet damsel, and bring our morning draught in thy capacious goblet; nor suffer the rich wines of ENDEREIN to be longer hoarded:
 - 2 Bring the well-tempered wine, that seems to be tinctured with saffron; and, when it is diluted with water, overflows the cup.
 - 3 This is the liquor, which diverts the anxious lover from his passion; and, as soon as he tastes it, he is perfectly composed:
 - 4 Hence thou see'st the penurious churl, when the circling bowl passes him, grow regardless of his pelf:
 - 5 * When its potent flames have seized the discreetest of our youths, thou would'st imagine him to be in a phrensy.
 - 6 Thou turnest the goblet from us, O mother of AMRU; for the true course of the goblet is to the right hand:

7 He

7 He is not the least amiable of thy three companions, O mother of AMRU, to whom thou hast not presented the morning bowl.

8 * How many a cup have I purchased in BALBEC ! how many more in DAMASCUS and KASIREIN !

9 Surely our allotted hour of fate will overtake us ; since we are destined to death, and death to us.

10 O stay awhile, before we separate, thou lovely rider on camels ; that we may relate to thee our sorrows, and thou to us thy delights !

11 O stay—that we may inquire, whether thou hast altered thy purpose of departing hastily, or whether thou hast wholly deceived thy too confident lover :

12 In the hateful day of battle, whilst he struggles amid wounds and blows, may the Ruler of the world refresh thy fight with coolness, and gratify it with every desired object !

13 O AMRU, when thou visitest thy fair one in secret, and when the eyes of lurking enemies are closed in rest,

14 She displays two lovely arms, fair and full as the limbs of a long-necked snow-white young camel, that frisks in the vernal season over the sand-banks and green hillocks ;

15 And two sweet breasts, smooth and white as vessels of ivory, modestly defended from the hand of those, who presume to touch them :

16 She discovers her slender shape, tall and well-proportioned, and her sides gracefully rising with all their attendant charms ;

17 * Her hips elegantly swelling, which the entrance of the tent is scarce large enough to admit, and her waist, the beauty of which drives me to madness ;

18 * With two charming columns of jasper or polished marble, on which hang rings and trinkets making a stridulous sound.

19 My youthful passion is rekindled, and my ardent desire revives, when I see the travelling camels of my fair one driven along in the evening ;

20 When the towns of YEMAMA appear in sight, exalted above the plains, and shining like bright fabrics in the hands of those, who have unsheathed them.

21 *When she departs*, the grief of a she-camel, who seeks her lost foal, and returns despairing with piercing cries, equals not my anguish ;

22 Nor that of a widow, with snowy locks, whose mourning never ceases for her nine children, of whom nothing remains, but what the tomb has concealed.

23 *Such is our fate!* This day and the morrow, and the morning after them, are pledges in the hand of destiny for events, of which we have no knowledge.

24 O son of HINDA, be not precipitate in giving judgement against us: hear us with patience, and we will give thee certain information,

25 That we lead our standards to battle, *like camels to the pool*, of a white hue, and bring them back stained with blood, in which they have quenched their thirst;

26 That our days of prosperity, in which we have refused to obey the commands of kings, have been long and brilliant.

27 Many a chief of his nation, on whom the regal diadem has been placed, the refuge of those who implored his protection,

28 Have we left prostrate on the field, while his horses waited by his side, with one of their hoofs bent, and with bridles richly adorned.

29 * Often have we fixed our mansions in DHU THALUH towards the districts of SYRIA, and have kept at a distance those who menaced us.

30 *We were so disguised in our armour, that* the dogs of the tribe snarled at us; yet we stripped the branches from every thorny tree (*every armed warrior*) that opposed us.

31 When we roll the millstone of war over a little clan, they are ground to flour in the first battle;

32 From the eastern side of NAJD the cloth of the mill is spread, and whatever we cast into it soon becomes impalpable powder.

33 You

33 You alight on our hills as guests are received in their station,
and we hasten to give you a warm reception, lest you should complain of our backwardness :

34 We invite you to our board, and speedily prepare for your entertainment a solid rock, which, before day-break, shall reduce you to dust.

35 Surely hatred after hatred has been manifested by thee, *O hostile chief*, and thy secret rancour has been revealed :

36 But we have inherited glory, as the race of MAAD well knows ; we have fought with valour till our fame has been illustrious :

37 When the falling pillars of our tents quiver over our furniture, we defend our neighbours from the impending ruin :

38 We disperse our gifts to our countrymen, but disdain to share their spoils ; and the burdens, which we bear, we support for their advantage.

39 When the troops of the foe are at a distance from us, we dart our javelins ; and, when we close in the combat, we strike with sharp sabres ;

40 Our dark javelins exquisitely wrought of KHATHAIAN reeds, slender and delicate ; our sabres, bright and piercing :

41 With these we cleave in pieces the heads of our enemies ; we mow, we cut down their necks as with sickles :

42 Then

42 Then might you imagine the skulls of heroes on the plain, to be
the bales of a camel thrown on rocky ground.

43 Instead of submitting to them, we crush their heads ; and their
terror is such, that they know not on which side the danger is to
be feared.

44 Our cimeters, whose strokes are furiously interchanged, are as
little regarded by us, as twisted fashes in the hands of playful
children.

45 Their armour and ours, stained reciprocally with our blood,
seems to be died or painted with the juice of the crimson fyinga-
flower.

46 At a time when the tribe is reluctant to charge the foe, appre-
hensive of some probable disaster,

47 Then we lead on our troop, like a mountain with a pointed sum-
mit ; we preserve our reputation, and advance in the foremost
ranks,

48 With youth, who consider death as the completion of glory, and
with aged heroes experienced in war :

49 We challenge all the clans together to contend with us, and
we boldly preclude their sons from approaching the mansion of
our children.

50 On the day, when we are anxious to protect our families, we
keep vigilant guard, clad in complete steel ;

51 But

51 But on the day, when we have no such anxiety for them, our
legions assemble in full council,

52 Led by a chief among the descendants of JOSHAM the son of
BEER, we bruise our adversaries, both the weak and the strong.

53 * Oh ! the nations remember not the time, when we bowed the
neck, or ever flagged in the conflict.

54 Oh ! let no people be infatuated and violent against us ; for we
will requite their infatuation, which surpasses the folly of the most
foolish.

55 On what pretence, O AMRU, son of HINDA, should we be sub-
ject to the sovereign, whom thou wouldst place over us ?

56 By what pretence, O AMRU, son of HINDA, dost thou yield to
our calumniators, and treat us with indignity ?

57 Thou hast menaced us : thou hast thought to intimidate us ; but
gently, O king ! say, when were we ever the vassals of thy mo-
ther !

58 Our javelins, O AMRU, disdain to relax their vehemence before
thee in assailing our foes :

59 Whenever a man uses force to bend them, they start back, and
become inflexibly rigid,

60 So rigid, that, when they return to their former state, they ring
with a shrill noise, piercing the neck and forehead of him who
touches them.

61 Hast thou ever been informed, that JOSHAM, the son of BECR,
in battles anciently fought, was at any time remiss?

62 We have inherited the renown of ALKAMA, the son of SAIF,
who by dint of valour obtained admision for us into the castles of
glory.

63 We are heirs to MOHALHIL, and to ZOHEIR the flower of his
tribe : O of how noble a treasure were they the preservers !

64 From ATTAB also and from CELTHUM we have received the
inheritance transmitted from their progenitors.

65 By DHU'LBORRA, of whose fame thou hast heard the report,
have we been protected ; and through him we protect those who
seek our aid.

66 Before him the adventurous COLEIB sprung from us : and what
species of glory is there, which we have not attained?

67 When our antagonists twist against us the cords *of battle*, either
we burst the knot, or rend the necks of our opponents.

68 We shall be found the firmest of tribes in keeping our defensive
alliance, and the most faithful in observing the bond of our trea-
ties.

69 When the flames were kindled in the mountain, on the morning
of an excursion, we gave succour more important than the aid of
other allies.

70 To give immediate relief, we kept all our herds confined in DHU

ORATHEI,

ORATHEI, until our milch-camels of a noble breed were forced to graze on withered herbs.

71 We protect with generosity the man who submits to us, but chastise with firmness him, by whom we are insulted.

72 We reject the offers of those who have displeased us, but accept the presents of those with whom we are satisfied.

73 We succoured the right wing, when our troops engaged in combat, and our valiant brothers gave support to the left.

74 They made a fierce attack against the legions which opposed them, and we not less fiercely assailed the squadrons by which we were opposed.

75 They returned with booty and with rich spoils, and the sons of kings were among our captives.

76 To you, O descendants of BECR, to you we address ourselves : have you not yet learned the truth concerning us ?

77 Have you not experienced, with what impetuosity our troops have attacked your troops, with what force they have darted their javelins ?

78 We are armed with bright sabres, and clad in habergeons made in YEMEN ; our cimeters are part straight, part bent.

79 We have coats of mail, that glitter like lightning ; the plaits of which are seen in wrinkles above our belts :

80 When at any time our heroes put them off, you may see their
skin blackened with the pressure of the steel.

81 The plaits of our hawberks resemble the surface of a pool, which
the winds have ruffled in their course.

82 On the morning of attack, we are born into the field on short-
haired steeds, which have been known to us from the time when
we weaned them, and which we rescued from our foes, after they
had been taken.

83 * They rush to the fight, armed with breast-plates of steel; they
leave it with their manes disheveled and dusty, and the reins, tied
in knots, lie on their necks.

84 We inherited this excellent breed from our virtuous ancestors
and, on our death, they will be inherited by our sons.

85 All the tribes of MAAD perfectly know, when their tents are
pitched in the well-watered valleys,

86 That we support the distressed in every barren year; and are
bountiful to such as solicit our bounty;

87 * That we defend the oppressed, when we think it just; and fix
our abode in ARABIA, where we find it convenient;

88 That we give succour to those who are near us, when the bright
cimeters make the eyes of our heroes wink.

89 We entertain strangers at our board whenever we are able; but
we hurl destruction on those who approach us hostilely.

90 We are the tribe who drink water from the clearest brooks ;
whilst other clans are forced to drink it foul and muddy.

91 Go, ask the sons of TAMAH and of DOMIA, how they have found
us in the conflict !

92 Behind us come our lovely, our charming, damsels, whom we
guard so vigilantly, that they cannot be made captive, or even
treated with disrespect ;

93 Fair maidens descended from JOSHAM, the son of BECR, who
comprise every species of beauty, both in the opinion of men and
in truth :

94 They have exacted a promise from their husbands, that, when
they engaged with the hostile legions, distinguished by marks of
valour,

95 They would bring back, as spoils, coats of mail and cimeters,
and captives led chained in pairs.

96 * Thou mayst behold us falling forth into the open plain, whilst
every other tribe seeks auxiliaries through fear of our prowess.

97 When our damsels are on foot, they walk with graceful mo-
tions, and wave their bodies like those of libertines heated with
wine.

98 They feed with their fair hands our couriers of noble birth, and
say to us, " You are no husbands of ours, unless you protect us
" from the foe."

99 Yes ;

- 99 Yes ; if we defend not them, we retain no possessions of value after their loss, nor do we think even life desirable :
- 100 But nothing can afford our sweet maids so sure a protection as the strokes of our fabres, which make mens' arms fly off like the clashing wands of playful boys.
- 101 * We seem, when our drawn cimeters are displayed, to protect all mankind, as fathers protect their children.
- 102 * Our heroes roll the heads of their enemies, as the strong well-made youths roll their balls in the smooth vale.
- 103 This world is ours, and all that appears on the face of it ; and, when we do attack, we attack with irresistible force.
- 104 When a tyrant oppresses and insults a nation, we disdain to degrade ourselves by submitting to his will.
- 105 We have been called injurious, although we have injured no man ; but, if they persist in calumniating us, we will show the vehemence of our anger.
- 106 As soon as a child of our tribe is weaned from his mother, the loftiest chiefs of other clans bend the knee, and pay him homage.
- 107 We force our enemies to taste the unmixed draught of death ; and heavy is the overthrow of our adversaries in battle.
- 108 We fill the earth with our tents, until it becomes too narrow to contain them ; and cover the surface of the ocean with our ships.

THE
POEM
OF
HARETH.

THE ARGUMENT.

WHEN AMRU had finished his extravagant panegyrick on the tribe of TAGLEB, and had received the loud applause of his own party, HARETH arose; and pronounced the following poem, or speech in verse, which he delivered, according to some authors, without any meditation, but which, as others assert with greater appearance of probability, he had prepared and gotten by heart.

Although, if we believe ASMAI, the poet was considerably above a hundred years old at this time, yet he is said to have poured forth his couplets with such boiling ardour, that, without perceiving it, *he cut his hand with the string of his bow, on which, after the manner of the Arabian orators, he leaned, while he was speaking.*

Whatever was his age, the wisdom and art of his composition are finely contrasted with the youthful imprudence of his adversary, who must have exasperated the king, instead of conciliating his good will, and seems even to have menaced the very man, from whom he was asking a favourable judgement. HARETH, on the contrary, begins with complimenting the queen, whose name was ASOMA, and who heard him behind the tapisstry: he appears also to have introduced another of his favourites, HINDA, merely

merely because that was the name of the king's mother ; and he celebrates the monarch himself as a model of justice, valour, and magnanimity. The description of his camel, which he interweaves according to custom, is very short ; and, he opens the defence of his tribe with coolness and moderation ; but as he proceeds, his indignation seems to be kindled, and the rest of his harangue consists of sharp expostulations, and bitter sarcasms, not without much sound reasoning, and a number of allusions to facts, which cannot but be imperfectly known to us, though they must have been fresh in the memory of his hearers. The general scope of his argument is, that no blame was justly imputable to the sons of BECR for the many calamities, which the TAGLEBITES had endured, and which had been principally occasioned by their own supineness and indiscretion. This oration, or poem, or whatever it may be denominated, had its full effect on the mind of the royal umpire, who decided the cause in favour of the BECRITES, and lost his life for a decision apparently just. He must have remarked the fiery spirit of the poet AMRU from the style of his eloquence, as CÆSAR first discovered the impetuous vehemence of BRUTUS's temper from his speech, delivered at *Nice*, in favour of king *Deiotarus* ; but neither the *Arabian*, nor the *Roman*, tyrant were sufficiently on their guard against men, whom they had irritated even to fury.

This poem is composed in *light* verse, or metre of the *eleventh* class, consisting of epitrites, ionick feet, and pæons, variously intermixed, as in this form :

“ Amarylli, | dulci lyrâ | modulare

“ Molle carmen | sub arbore | fusa facrà.”

Sometimes a molossus ends the distich, as,

“ Dulce carmen | sub arbore | fusa facrà.

“ Modulare, | dum fylvulæ | respondent.”

The close of a couplet in this measure has often the cadence of a *Latin* or *Greek* hexameter : thus, v. 20.

Tis-bâli kbâilin kbilâla dhâca rogâo.

That is, literally,

Hinnitûs modulantur equi, fremitûsque cameli.

THE

POEM

OF

HARETH.

1 **D**OTH fair ASOMA give us notice of her departure? Oh, why
are sojourners so frequently weary of their sojourning!

2 *She is resolved to depart* after our mutual vows among the sandy
hillocks of SHAMMA, and in the nearer station of KHALSA;

3 *Vows, repeated in* MOHAYAT, SIFAH, and AGLAI, in DHU FITAK,
ADHIB and WAFa,

4 *Vows, renewed in* the bowers of KATHA, and the dales of SHOREIB,
in the Two Valleys, and in the plains of AYLA.

5 I see no remains of the troth which she plighted in those stations;
and I waste the day in tears, frantick with grief: but oh! what
part of my happiness will tears restore?

6 Yet, O HARETH, *a new passion invites thee*; for HINDA is before
thy eyes, and the fire, which she kindles at night in the hills, will
direct thee to her abode:

7 She

7 She kindles it with abundance of wood between the hilly stations of AKEIK and SHAKHSEIN, and it blazes like the splendour of the sun.

8 I have been contemplating her fire from a distance on the hill, whence our excursions are made; but oh! the scorching heat, and the calamities of war, prevent me from approaching her.

9 But I seek assistance in dispelling my care, when the sojourner of the tent hastily leaves his abode *through fear of some impending calamity*,

10 On a camel swift as an ostrich, the mother of many young ones, the long-necked inhabitant of the desert,

11 Who hears a soft sound, and dreads the approach of the hunter, in the afternoon just before the dusk of evening:

12 Then mayst thou see behind her, from the quick motion of her legs, and the force with which she strikes the earth, a cloud of dust thin as the gossamer;

13 And the traces of her hoofs, which are such as to be soon effaced by the winds blowing over the sandy plain.

14 With her I disport myself in the sultry noon, whilst every son of valour is like a blind camel devoted to death.

15 Yet misfortunes and evil tidings have brought on us affairs, which give us affliction and anguish;

- 16 For our brethren, the family of ARAKEM, *the dragon-eyed*, have transgressed the bounds of justice against us, and have been vehement in their invectives :
- 17 They have confounded the blameless among us with the guilty, and the most perfect innocence has not escaped their censure.
- 18 They have insisted, that all, who pitch their tents in the desert, are our associates, and that we are involved in their offences.
- 19 They assembled their forces at night, and, as soon as the dawn appeared, there was nothing heard among them but a tumultuous noise
- 20 Of those who called, and those who answered ; the neighing of horses, and, among the rest, the lowing of camels.
- 21 O thou, who adornest thy flowery speeches concerning us before AMRU, can this falshood be long undetected ?
- 22 Imagine not that thy instigation will animate him against us, or humiliate us ; since long before thee our enemies have openly calumniated us,
- 23 Yet we continued advancing ourselves in defiance of their hate, with laudable self-sufficiency and exalted reputation.
- 24 Before this day, the eyes of nations have been dazzled by our glory, and have been moved with envious indignation and obstinate resentment.

25 Fortune seemed to raise for us a dark rock, with a pointed summit, dispelling the clouds,

26 Thick and firm, secured from calamity, not to be weakened by any disaster however grievous and violent.

27 * Intrust to our wisdom every momentous affair, from which you desire to be extricated, and by which the assemblies of chiefs are made unhappy.

28 * If you inquire concerning our wars between MILAHA and DHAKIB, you will find on their plains many an unavenged, and many an avenged, corpse :

29 * Or, if you examine diligently the questions, in which all tribes are deeply interested, you will see the difference between your offences and our innocence :

30 * But if you decline *this fair discussion*, we shall turn from you with resentment, concealing hatred in our bosoms as the mote is concealed in the closed eye-lids.

31 * Reject, if you please, the terms which we offer ; but of whom have you heard, that surpasses us in glory ?

32 * You have perfectly known us on the days, when the warriors have assailed one another with rapacious violence, when every tribe has raised a tumultuous din ;

33 * When we brought up our camels from the palm-groves of BAHREIN, and drove them by rapid marches, till we reached the plain of HISA.

34 Then we advanced against the sons of TAMEIM, and, when the sacred month required a cessation of our war, we carried away the daughters of their tribe for our handmaids.

35 *In opposition to us*, neither could the valiant man keep his ground on the level field, nor did precipitate flight avail the faint-hearted.

36 No; the coward, who ran hastily from the plain, was not saved by the summit of rocks or the roughness of craggy paths.

37 By these exertions we maintained our pre-eminence over the tribes, until MONDIR, son of the beautiful MAISEMA, obtained the dominion:

38 He was a prince, who bore witness to our valour on the day of HAYARAIN, when the calamity of war was, in truth, a calamity:

39 A prince who subjected nations; whose equal in magnanimity could not be found among them.

40 Desist then from vaunting and from hostility: you have, indeed, pretended ignorance of our claims, but from that pretended ignorance will proceed your wo.

41 Remember well the oaths taken in DHU'LMEJAAZ, the covenants and vows of amity, which were made there of old.

42 Beware of injustice and violence; nor let your intemperate passions impel you to violate your contracts written on tablets.

43 Know, that we and you, on the day when we made our treaty, were equally bound by our respective engagements.

- 44 Are we responsible for the crimes of CANDĀ? Shall their conquering chief have the spoils, and shall reprisals be made upon us?
- 45 Are we responsible for the excesses of HANEIFA, and for all the conflicts, which the dusty plain has seen accumulated?
- 46 Must we answer for the offences of the sons of ATEIK? No: whoever has broken his covenant, we are innocent of their war.
- 47 Doth the guilt of IBAAD hang on our heads, as the burden is suspended on the centre of the camel's girths?
- 48 Has the blame due to KODHAA fallen upon us? or, rather, are we not secure from a single drop of their faults?
- 49 Are we responsible for the crimes of IYAAD, as it was said to the tribe of THASM, "Your brethren are rebels?"
- 50 Those, who raised the dissension, belong not to us, neither KAIS, nor JONDAL, nor HADDA.
- 51 Vain pretexts! Unjust aspersions! *That we should suffer for others,* as the roe is sacrificed in the place of the sheep!
- 52 Fourscore warriors, indeed, advanced from TAMEIM, and their hands carried lances, whose points were Fate;
- 53 Yet, they profaned not the hallowed places of the sons of RIZAAH on the hills of NITAA, when they called on them for mercy:

54 They

54 They left them, however, wounded on the plain, and returned with captive herds and flocks so numerous, that the drivers of them were deafened with their cries.

55 The vanquished tribe came afterwards to implore restitution, but not a single beast, either black or of a bright hue, was restored to them :

56 So they retired with heart-breaking afflictions, nor could any stream of water quench their ardent rage :

57 After this, a troop of horsemen, led by the impetuous GHALLAAK, assailed them without remorse or pity :

58 Full many a son of TAGLEB has been smitten, whose blood has flowed unrevenged, while the black dust covered his corse.

59 Are your cares comparable to those of our tribe, when MONDIR waged war against them? Are we, *like you*, become subject to the son of HINDA?

60 When he fixed his abode in the lofty turrets of MAISUNA, and sojourned in the nearer station of KHALTHA,

61 From every tribe there flocked around him a company of robbers, impetuous as eagles:

62 He led them on, and supplied them with dates and with water: so the will of GOD was accomplished, and afflicted men doomed to affliction.

63 Then

63 Then you invited them to attack you by your want of circumspection, and the vain security of your intemperate joy impelled them to be hostile.

64 They surpris'd you not, indeed, by a sudden assault; but *they advanced, and* the sultry vapour of noon, *through which you saw them,* increas'd their magnitude.

65 O thou inveterate and glozing calumniator, who inveighest against us before king AMRU, will there be no end of thy unjust invectives?

66 Between AMRU and us many acts of amity have pass'd, and from all of them, no doubt, has benefit arisen.

67 He is a just prince, and the most accomplished that walks the earth: all praise is below his merit:

68 A prince descended from IREM! A warrior, like him, ought ever to be encircled with troops of genii, for he protects his domain, and refuses to punish even his opponents:

69 A monarch, who knows us by three infallible signs, by each of which our excellence is decided:

70 *The first is* the conspicuous token of our valour, when all ARABIA come forth in the rocky vales, each tribe of MAAD under their banner,

71 And assembled, in complete armour, round the warlike KAIS, that valiant prince of YEMEN, who stood *firm and brilliant* like a white cliff.

72 Then

72 Then came a legion of high-born youths, whom nothing could
restrain but our long and glittering spears ;

73 But we repelled them with strokes, *which made their blood gush
from their sides*, as the water streams from the mouth of a bottle
which contains it.

74 We drove them for refuge to the craggy hills of THAHLAAN ;
we thrust them before us, till the muscles of their thighs were
breached in gore.

75 We did with them a deed, the name of which GOD only knows ;
and no revenge could be taken for the blood of men who fought
their own fate.

76 Next advanced HOJAR, son of OMMI KATHAAM, with an army
of PERSIANS, clad in discoloured brags,

77 A lion in the conflict, of a ruddy hue, trampling on his prey ;
but a vernal season of beneficence in every barren year :

78 Yet we smote them on the foreheads with the edges of our
cimeters, which quivered in their flesh like buckets drawn from
a deep well encircled with stone.

79 *Secondly*, we broke the chains of AMRIOLKAIS, after his long
imprisonment and anguish.

80 We forcibly revenged the death of MONDIR on the king of
GASSAAN, that his blood might not flow in vain.

81 We

81 We redeemed our captives with nine kings of illustrious race,
whose spoils were exceedingly precious.

82 With the horses, with the dark horses, of the sons of AUS came
whole squadrons, fierce as eagles with crooked beaks :

83 We scarce had passed through the cloud of dust, when they
turned their backs ; and then how dreadfully blazed the fire of our
vengeance !

84 *Lastly*, we gave birth to AMRU the son of OMM AYAAS, for not
long ago were the bridal gifts presented to us *as kinsmen* :

85 May our faithful admonition reach all our kindred tribes, ex-
tended as wide as our consanguinity, in plains beyond plains !

81 We redeemed our captives with nine kings of illustrious race,
whose spoils were exceedingly precious.

82 With the horses, with the dark horses, of the sons of Asame,
whose squadrons, fierce as eagles with crooked beaks:

83 We scarce had passed through the cloud of dust, when they
turned their backs; and then how dreadfully blazed the ire of our
vengeance!

84 Lastly, we gave birth to AMRU the son of OMU AYAS, for not
long ago were the bridal gifts presented to us at Babylon.

85 May our faithful admonition reach all our kindred tribes, ex-
tended as wide as our contiguity, in plains beyond plains!

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وَجِيْدٌ كَجِيْدٍ لِرَمِّ لَيْسَ بِفَاحِشٍ
اِذَا مَيَّ نَصَتْهُ وَلَا يَعْطَلُ

بحيلة الفنو والظلي لا يبيض الخالص البياض شبه
لفنو الظبية ونضه دفننه والمعطل الذي لا
حلي عليه وشله لمصل وقوله ليس بفاحش اي
ليس كبريه المظهر واذا ظرف لقوله ليس بفاحش
وَفَرَعَ يَزْرَعُ الْمَتْنُ اسْتَوْدَقَ فَاحِشٍ

اَيْمَنَ كَفَيْنِ الشَّكْلَةِ الْمُتَعَكِّلِ

الفرع الشعر الثام والمتن والمتنة ما عن يمين
الصلب وشماله من العصب واللحم والفاحش الشديد
السواد واثبت كثير اصل البناء والفتود والفتود
العدق وهو الشراخ والمتعكل الذي قد دخل بعضه
في بعض كثرته من التشكال والشكول وهو الشراخ
وقيل المتعكل هو المتدلي النازل الى تحت فال
عَدَايَهَا سَتَشْرَاكُ إِلَى الْمَلَى

تَقُلُّ الْمَقَاصُ فِي مَشْنَى وَمُرْسِيكُ

التدابر الذوايب واحدها غدبر وستشراك فروعها
واصل الشرا الفتل على غير جهة كثرتها وقوله الى
الملاي ما فوقها والقاص جمع عقصة وهو ما جمع
الشعر فقتل تحت الذوايب وهي سطة معروفة بمرسلتها
فيها بعض الشعر ويثنون بعضه فالذي قتل بعضه

ORIGINALS.

K Á L A

A M R I O L K A I S I

ALCENDIYYO.

- 1 kifá nebcí min dhicraí hhabeíbiñ wamenzili
bifikthí álliwaí baína áldahhúli fahhaúmeli
- 2 fatúdhíhha fálmikráhi lam yâfo refmohá
limá nafijat-há min jenúbiñ washemáli
- 3 wokúfán bihá sahheí âlayyi mathíyyahom
yekúlúna lá tahlic áfyañ watehhammali
- 4 waínna fhifáyi âbrahoñ moharákahon
fahal înda refmin dârisin min moâwwali
- 5 cadábica min ómmi álhhowaírithi kablahá
wajáratihá ómmi álrabábi bimáfali
- 6 ídhá kámatá tadhawwaâ álmisco minhomá
naseíma ál febá jaát birayyá álkaranfoli

- 7 fafádhát domúô álâini minneí sabábahan
álái álnahhri hhattái balla demâeí mihhmeli
- 8 álá rubba yaúmin' leca minhonna 'sálahhin'
welá fiyyamá yaúmon' bidáratí juljuli
- 9 wayaúma âkarto lilâdháraí mathíyyateí
fayá âjabá min cúrihá álmotahhammali
- 10 fadh'halla álâdháraí yertameína bilahhmihá
washahhmin' cahodábi áldimekfi álmofattali
- 11 wayaúma dakhalta álkhidra khidra ônaízahin'
fakálat leca álwaíláto ínnaca murjali
- 12 tekúlo wakat mála álgabeíto biná maâán'
âkarta baéireí yá ámri álkaífi fánzeli
- 13 fakolto lehá feíreí waarkheí zimámaho
walá tobâdeíneí ân jenáci álmoállali
- 14 famithlici hhoblaí kad tharakto wamurdhiín'
faálhaítohá ân dheí temáyima mohhwili
- 15 ídhá má becaí min khalfihá ínsaraft leho
bishikkin' watahhteí fhikkohá lam yohhawwali
- 16 wayaúmán' álaí dh'hri álcatheíbi taâdhhdharat
álayyi waálat hhilfahan' lam tohhallali
- 17 áfáthíma mahlán bâdhá hadhá áltedallali
waín conti kad ázmâti sormaeí fájmili

- 18 waïn teco kad faátci minneí khaleíkahón
fafolleí thiyábeí min thiyábici tenfali
- 19 ágarraci minneí áanna hhubbaci kátileí
waïnnaci mahmá támerí áikalba yafáli
- 20 wamá dharafat áínáci íllá litadhribeí
bifahmaíci feí áâshári kalbín mokattali
- 21 wabaídhaño khidrin lá yorámo khibáwohá
temattâto min lehwin bihá ghaíra môjali
- 22 tejáwazto áhhrásán ílaíhá wamásherán
âlayyi hhirásán laú yofirrúna maktalei
- 23 ídhá má álthurayyá feí álfemáï taârradhat
taârradha áthnáï álwisháhhi álmofássali
- 24 fajeíto wakad nadhdhat linaúmin thiyábahá
ledaí álfetri íllá libfati álmotafadhali
- 25 fakálat yemaína állahi má leca hheílahón
wamá ín áraí áanca álgawáyaha tanjaleí
- 26 fakomto bihá ámsheí tajorro waraána
âlaí áthraína ádhyála mirthín morajjali
- 27 falemmá ájazná fáhha álhayyi wántahheí
biná bathno khabtin dheí kifáfin ákankali
- 28 hasarto bifaúdaí ráfihá fatamáyalat
âlayyi hadheíma álcash-hhi rayyá álmokhalkhali

- 29 mohafhafahon baídháo ghaíro mofádhahín
teráeíbohá máskúlahon cálfajanjali
- 30 cabicri álmokánáhi álbayádhi bísofrahín
gadháha nemeíro álmái gaíra mohhallali
- 31 tasuddo watobdeí ân áfeilín watetakeí
binádhírahín min wahhíhi wejraha mothfili
- 32 wajeídin cajeídi álreími laísa bifáhhihín
ídhá heía nássat-ho welá bimoáththali
- 33 wafarín yazeíno álmatna áfwada fáhhimín
átheíthín cakinwi álnakhláhi álmotaáthcili
- 34 gadáyirohá mostafhzirahón ílaí álôlaí
tadhílló álíkásó feí mothannyan wamursaki
- 35 wacash-hhín latheífin cáljadeíli mokhaássarin
wasákin caánbúbi álfakiyyi álmodhallali
- 36 wafodh-hheí fateíto álmisci faúka firafhihá
nauúmo áldhohhai lam tantathik ân tafadhdhóli
- 37 watâthú birakhsín gaíri shathnín cáinnaho
áfáreíô dhabyín áu mesáweíco ís-hhili
- 38 tadhiyo áldheláma biálíshái cáinnahá
menáraho momfaí ráhibín motabattili
- 39 ílaí mithlihá yernú álhaleímo sabábahan
ídhá má áfbacarrat báina dirín wamijwali

- 40 tafallat âmáyáto álrijáli ân álsibái
walaífa fawádeí ân hawáci bimumfali
- 41 ílá rubba khaśmín feíci álwaí radadtoho
naśeíhhiń âlaí tâdhálihi gaíri mútali
- 42 walaílin camaúji álbahhri árkhái fodúlaho
âlayyi biánwâi álhómúmi liyabtaleí
- 43 fakolto leho lemmá tamaththai biśolbihi
waárdafa áâjázán wanáa bicalcali
- 44 ála áyyohá állaílo áltháweílo ála ánjaleí
biśobhhiń wamá álaśbáhho minca biámthali
- 45 fayá leca min laílin caínna nojúmahó
biámrafin cittániń ílaí sommi jandali
- 46 wakad ágtadeí wáltháiro feí wocanátihá
bimonjirdiń kaída álaśwábidi haícali
- 47 micarriń mifarriń mokbilin modbiriń maâán
cajolmúdi śakhrin hhatththaho álsaílo min áli
- 48 comaítin yazillo állibdo ân hhádhi matnihī
camá zallati álsafwáo biálmotanazzili
- 49 âlaí áldhabli jayyáshin caínna áhtizámoho
ídhá jásha feíhi bhamyoho galyo mirjali
- 50 mifahhin ídhá má álfábihhato âlaí álwanaí
átharna álgibarán biálcadeídi álmoraccali

- 51 yezillo álgolámo álkhiffo ân sahawátihi
wayolweí biáthwábi álâneífi álmothakkali
- 52 dereírin' cakhadhrúfi álwaleídi ámarraho
tetáboô caffáíhi bikhaíthín mowaássali
- 53 leho áythálá dhabyín wafáká noámahín
waírkháó firrhániñ watakreíbo tutfali
- 54 dhaleíin' ídhá áftadbartaho fadda farjaho
bidháfin' fowaíka álardhi laísa biáâzali
- 55 caínna ferátaho ledaí álbaíti káyimán
medáca árúfin' áú 'sáláyata hhandh'ali
- 56 caínna dimáo álhádiyáti binahhrihi
ôsaráho hhinnáin' bihaíbin' morajjali
- 57 faânná lená firbon' caínna niâájaho
âdháraí duwárin' feí meláin' modhayyali
- 58 faâdbarna cáljazî álmofássali baínahi
bijeídin' miâmmín' feí álâsheírahí makhwali
- 59 faálhhakaná biálhádiyáti wadúnaho
jawáhhirohá feí 'sarrahín lam tazayyali
- 60 faâádaí ídáan' baína thúrin' wanâjatin'
dirácán walam yondhahh bimáin' fayogfali
- 61 fadh'halla thóhátó állabhmi min baíni mundhíjin'
dháfeífi shiwáin' áú kadeírin' moâjjali

- 62 waruhhná yecádo álthárfo yak'soro dúna^{ho}
metaí má tarakkaí álâino feíhi tafah-hali
- 63 fabáta âlaíhi ferjoho walijámoho
wabáta biâinaí káyimán gáiro murfali
- 64 ásáhha teraí barkán' óreíca wameidháho
calamî ályadeíni feí hhabbiyyin' mocallali
- 65 yodhiyya fenáho áú me'sábeíhho ráhibin'
áhána álfeleítha biáldhobáli álmofattali
- 66 kaâdto leho wasohhbateí baína dhárijin'
wabaína álâdhaíbi bôda má motaámmali
- 67 âlaí kathanin' biálshaími áymena saúbihi
waáyferoho âlaí álfítari fayadhbuli
- 68 faád'h-hhaí yafohho álmáo hhaúla cotaífi^hin
yacabbo âlaí álâdhkání daúhha álcana^hbuli
- 69 wamarra âlaí álkanáni min nefayánihi
faánzala minho álô'sma min culli menzili
- 70 watáimáa lam yatroc bihá jidhâ nakhlahin'
welá ójomán íllá masheídán' bijendali
- 71 caínna thebeírán' feí âráneíni wablihi
cabeíro ónáfin' feí bijádi mozammali
- 72 caínna dhuraí ráfo álmojaímiri godwahan'
mina álsaíli wálgoththái filcahó migzali

73 waálkaí bisahhráí álgibaíthi baááâho
nozúla ályemáneí dheí álîyábi álmohhammali

74 caínna mecáciyya áljíwáí godayyaḥán
sobihhna foláfán min rahheíki mofalfali

75 caínna álfibáâ feíhi gharkaí âshiyyaḥán
bíarjáyihi álkiśwaí ánábeísho ónsoli

K Á L A

T H A R A F A H O N

ALBECRIYYO.

- 1 likhaúlaḥa áthlálón biborkaḥa thahmedi
telúhho cabákeí álwaḥmi feí dháhiri ályedi
- 2 wokúfán bihá sahhbeí álayyi mathiyyihom
yekúlúna lá tahlic áfyan watejalledi
- 3 caínna hhoḍúja álmáleciyyahí gudwaḥan
khaláyá fefeínin biálnawásafi min dedi
- 4 ádhúliyahín áu min fefeíni íbni yáminin
yejúro bihá álmelláhho thúrán wayahdedi
- 5 yaḥhokka hhabába álmái hhaízúmohá bihá
camá kafama áltorba álmofáwilo biályedi
- 6 wafeí álhhayyi áhhwaí yanfodho álmerda shádinon
medháhiro femthái lúlúin wazabarjedi

- 7 khadhúlin toráêi rebrebán bikhameílahín
tonáwilo áthráfa álbereíri watertedi
- 8 watabfimo ân álmaí cáinna monawwerán
takhallala hharra álremli díson leho nedi
- 9 fakat-ho íyáho álfhemfi íllá lothátihi
áfiffa walam tacadmi álaíhi biáthmedi
- 10 wawejhin cáinna álfhemfa hhallat ridáahá
álaíhi nikeí állaúni lam yatakhaddedi
- 11 waínneí leámdheí álhomma înda áhhtidhárihi
biáuájái mirkálin terúhho watagtedi
- 12 ámúniín cálwáhhi álaráni nefátobá
álaí láhhibin cáinnaho dhahra borjedi
- 13 tobáreí ítákán nájiyátin waátbaát
wadheífan wadheífan faúka maúrin moâbbedi
- 14 terábbaita álkoffaíni biálfbúli tertaéi
hhadáyika maúleí aláfirrahi ághyedi
- 15 tereiô ilaí súti álmoheíbi watetakeí
bidheí khośalín rúáata áclafi mulbedi
- 16 cáinna jonáhhaí madhrajiyyi tecanafa
khaśafeíhi shuccá feí álâfeíbi bimafredi
- 17 fathúrán bihi khalfa álzemeíli watáratán
álaí khashafín cálfhinna záwin mojaddedi

- 18 lehá fakhadáni ácmola álnahhdho feíhomá
caínnahomá bába meneífin momarredi
- 19 watháyyi mehhálin cálhoniyyi khalúfoho
waáironahín lozzat bidáyin monadhdhedi
- 20 caínna cináfaí dhálahín yacnofánihá
waáthra kifíyyán tahhta solbín mowayyedi
- 21 lehá mirfakáni áftiláni caínnamá
temorro bifelmaí dálíjín motashaddedi
- 22 cakantharihá álrúmiyyi ákfama rabbohá
letoctanafá hhattaí tofháda bikermedi
- 23 sóhábiyyahi álâthnúna mújedaho álkerai
baéidaho wakhdi álrijli mawwáraho ályedi
- 24 ómirrat yedáhá fatlo fhezrin waájnihhat
lehá ádhodáhá feí fakeífin mofannedi
- 25 jenúhhoń difákoń ândeloń thomma ófrigat
lehá citafáhá feí maáaliyo mosaââdi
- 26 caínna ôlúbi álnisî feí daáyatihá
mawárida min khalkái feí dhahri kerededi
- 27 tolákeí waáhhyánán tebeíno caínnahá
benáyiko gorrin feí kameísin mokaddedi
- 28 waátlaô nehádhon ídhá saâdat bihi
cafucáni búsiyyín bidejlaha mosâdi

- 29 wajumjumahin mithla alalahi cainnama
waâai almoltakei minhâ ilai jarfi mabredi
- 30 wakhaddon cakirthafi alshamiyyi wamishfarin
cafebti alyemaneî kaddoho lam yojaddedi
- 31 waâinani calmaâwwitaini âftacannata
bicahfeî hhijâjin sakhrâhin kalti maûridi
- 32 thahhurâno âwari âlkadhai faterâhomâ
camachhulatai madhûûrahin ômma ferkedi
- 33 wasâdikata famâa âltawâjjifo lilforai
lihajfin khaffiyyin âu lisautin monaddedi
- 34 mowallalatani târifo âlîtka feîhomâ
cafâmiâtai shâhin bihhaûmeli mofredi
- 35 waârwaô nebbâdhin âhhadhdhon molemlemon
camirdâti sakhrin feî safeîhhiin mosammedi
- 36 waîn sheita famaî wâfitha âlcûri râsohá
waâanat bidhabâihâ nejâa âlkhafaîdedi
- 37 waîn sheita lam torkil waîn sheito ârkalat
makhafahâ melwiyyin mina âlkaddi mohhsedi
- 38 waââlamon makhrûtin mina âlánfi mârinoñ
âteikon metaî torjam bihi âlârdho tazdedi
- 39 âlai mithlihâ âmdhai idhá kâla sâhhibeî
âlá laitaneî âfdeîca minhâ waâftedeî

- 40 wajaſhat ílaihi álnaffo khaúfán wakhálaho
moſábán walaú ámfai álai gaíri merſedi
- 41 ídhá álkaúmi kálúa men fatyaſ khilto innaneí
ôneíto falam ácfel walam átabelledi
- 42 áhhalto álaihá biálkatheíſ faájdamat
wakad khabba álo álamâzi álmotawakkedi
- 43 fadhálat camá dhálat waleídaſo mejliſín
toreí rabbohá ádhyála fahhlin momaddedi
- 44 waleſto bihhelláli átilái mekháfahan
walecin metaí yeſterfidi álkaúmo árfedi
- 45 waín tabigneí feí hhalkahi álkaúmi telkaneí
waín tektaníſneí feí álhawáneíti teſthedi
- 46 metaí tátineí ósbihhca cáfán rawiyyahan
waín conta ánhá ganiyán fáſna wázdedi
- 47 waín yaltika álhhayyo áljameíô tolákineí
ílai dhirwahi álbaíti álrafeíſ álmoſammedi
- 48 nedámáeí beídhoſ cálnojúmi wakaínaſon
terúhho álainá baína bordin wamojſedi
- 49 rahheíboſ kithábo áljaíbi minha rakeíkoho
bijaffi álnedámá badhdháſo álmotajarredi
- 50 ídhá nahhno kulná áſmaéíiná ánbarat lená
álai raſlihá mathrúkahan lam toſhaddedi

- 51*52 wamá zála tishrábeí álkhomúra waladhdhateí
wabaíeí waínfákeí thareífeí wamultedeí
- 53 ílaí án tehhámatneí álásheíraho cullohá
waófridto ífráda álbaêiri álmoâbbedi
- 54 ráyato beneí gabráa lá yencirúnaneí
walá áhli hadháca álthiráfi álmomaddedi
- 55 ála áyyohodhá álláyimeí áhhdhóra álwagaí
waán ásh-hadi álladhdhāti hal ánta mukhledi
- 56 faín conta lá testheíâ dafâ meniyyateí
fadâneí óbádirho bimá melecat yedi
- 57 falaúlá theláthon honna min êíshahí álfataí
wajaddica lam áhhfal metaí kama ôwwadeí
- 58 faminhonna febkeí áláádhiláto bishurbehín
comeítín metaí má taglo bíalmái tezbedi
- 59 wacarrei ídhá nádeí álmodháfo mohhannibán
caseídi álgadhá nebbahtho álmotawarredi
- 60 watakseíri yaúma áldojni wáldojno môjibon
bibehnecahín tahhta álthiráfi álmoâmmedi
- 61 caínna álboráina wáldemáleíja ôllikat
álaí ôshorín áu khirwaín lam yokhadhdhedi
- 62 fadherneí árawweí hámeteí feí hhayátihá
mekháfahá shirbin feí álhhayáhi mosarredi

- 63 careímon' yorawweí naffaho feí hhayátihi
fetâlamó ín mutná gadán áyyoná álsadeí
- 64 áraí kabra nehhámin' bekheílín bimálihi
cakabri gawiiyyín feí álbithálehi muffedí
- 65 teraí jathwataíni mín turabín âlaíhomá
séfáyiho sómmin' mín safeíhhiñ monadhédí
- 66 áraí álmaúta yâtámo álciráma wayastháfeí
âkeílahá máli álfáhhihi álmotashaddedi
- 67 áraí áldehra canzán nákisán culla laílahín
wamá tankosó álayyámo wáldehro yanfodí
- 68 leâmroca ínna álmaúta má ákhthá álfataí
leca álthiwwalo álmurkhaí wathonyáho biályedi
- 69 famá leí áraneí wábna âmmieí málicán
metaí ádno minho yaná ânneí wayabôdi
- 70 yelúmo wamá ádreí âláma yelúmoneí
camá lámaneí feí állhayyi kertho ábno áâbedí
- 71 waáyáfaneí min culli khaírin' thalabtoho
cáinna wadhânáho ílaí remfi mulhhedi
- 72 âlaí gaíri dhenbin' kultoho gaíra ínnaneí
nashadto falam ágfaí hhamúlaha mâbedí
- 73 wakarrabto biálkorbaí wajaddica ínnaneí
metaí yeco ámron' lilneceíbaí ásh-hedi

- 74 waín ódâ liljollaí ákun min hhomátihá
waín yática álaâdáo biáljehdi ájhedi
- 75 waín yakdhífúá biálkadhî îrdhica áfkihom
bicáfi hhiyádhî álmaúti kabla áltahaddodi
- 76 bilá hhadathín áhhdathtoho wacamohhdithín
hijáeí wakadhfeí biálshicáhi wamuthredeí
- 77 falaú caná maúláya ímrán huwa gaíroho
lefarraja carbeí áú leándharaneí gadeí
- 78 walecinna maúláya ímron huwa khánikeí
álaí álshecrí wáltifáli áú áná muftedi
- 79 wadhólmo dhaweí álkorbaí ásháddo madhádhatán
álaí álmera min wakî álhhiáfami álmohennedi
- 80 fadherneí wakholkeí ínnaneí leca sháciron
walaú hhalla baíti náyián înda dhargedí
- 81 falaú sháa rabbeí conto kaífa íbna khálidín
walaú sháa rabbeí conto âmru íbna merthedi
- 82 faólfeíta dhá málin catheírín waâádaneí
benúna cirámin fádaón limafawwedi
- 83 áná álrajolo áldharbí álladheí târifúnaho
khásháshon caráfi álhhayyahi álmotawakkidi
- 84 faálaíto lá yanfacco cash-hheí bethánahan
liádhbi rakeíki álshafrataíni mohennedi

- 85 hhiſámon' ídhá má kumta muntasírán' bihi
cafaí álûúdo minho álbeda laífa bimâdhedi
- 86* ákheí thikaín' lá yanthineí ân dhareíbahín
ídhá keíla mahlán' kála hhájizoho kadeí
- 87 ídhá ábtadara álkaúmo álfóláhha wajadtaneí
meneíâán ídhá ballat bikáyimahín' yedi
- 88 waberco hojúdín' kad áthárat mekháfateí
nawádiyahá ámsheí biâdhbin' mojarredi
- 89 famarrat coháhoñ dháto khaífin' jelálahañ
âkeílahó shaíkhin' cálwabeíli yelendedi
- 90 yekúlo wakat tarra álwadhéifi waſákahá
áleſta teraí án kad áteíto bimaúyidi
- 91 wakála álá má dhá terúna biſháribin'
ſhedeídin' âlaíná nefyoho motaâmmedi
- 92 fakálúá dherúho innamá nefôhá leho
waíllá tereddúá kásiya álburci yezdedi
- 93 fadh'halla álámáo yemtelilna hhuwárahá
wayaſâi âlaíná biálfadeífi álmofarhedi
- 94 faín mutto fániêíneí bimá áná áhloho
waſhakkeí âlayyi áljaíba yá bneha mâbedi
- 95 walá tajâleíneí caímraí laífa hammoho
cihammeí walá yogneí gináyeí wamaſh-hedi

- 96 bathiyan' âni âljollaí fereíin ílaí âlkhaná
dheleílin' biájmái âlrijáli moleh-hedi
- 97 falaú conto waglân feí âlrijáli ledharraneí
âdawahi dheí âláshhábi wálmotawahhedi
- 98 walacin nafaí ânneí âlrijála jerátaeí
âlaíhim waíkdámeí waśidkeí wamahhtedi
- 99 liâmrica má âmreí âlayyi bigummahin'
niháreí walá laíleí âlayyi bifermedi
- 100 wayaúma hhabaſto âlnaffa înda ââtirácihá
hhifádhán' âlaí âúrâtihi wálteheddodi
- 101 âlaí maúthinín yekhſhaí âlfetaí îndaho âlradaí
metaí tâtaric minho âlferáyiso tarêdi
- 102 waásfara madhbúhhiñ nedh'arto hhawárahó
âlaí âlnári wáſtaúdâtoho caffa mujmedi
- 103 fetobdeí leca âláyyámo má conto jáhilán
wayáteíca biálákhbári men lam tozawwedi

K Á L A

Z O H A Í R O Ñ

ALMÁZENIYYO.

- 1 ámin ómmi áúfeí dimnañón lam tecellami
bihhaúmánáti álderráji fálmotathellami
- 2 diyáron lehá biálrakmateíni caínnahá
merájeiô wafhmin feí nawáshiri mîfami
- 3 bihá álêino wálarámo yomñheína khilfahan
waíthláohá yanhadhna min culli mejthami
- 4 wakafto bihá min bâdi îfhreína hhijahan
faláyán ârafto áldára bâda tawah-homi
- 5 átháfeía fofâán feí moârrafi morjilin
wanúyán cajedhmi álhhaúdhi lam yatathallami
- 6 falemmá ârafto áldára kolto lirabîhá
álá nâm sébáhhán áyyohá álrabâ wáflami

- 7 tebašser khaleíleí hal teraí min dhâáyiniñ
 tahhammalna biálôlyái min faúki jorthami
- 8 jaalna álkinána ân yemeíniñ wahhaznaho
 wacam biálkináni min mohhillin wamohhrimi
- 9 waâalaina ánmálán ítákán wacallahón
 wiráda álhhawásheí laúnoha laúno ândami
- 10 dhêherna mina álfaúbáni thomma jazánaho
 âlaí culli kaíniyyiñ kasheíbin wamofámi
- 11 wawaracna feí álfaúbáni yâlúna matnaho
 âlaíhinna dulla álnâîmi álmotanâîmi
- 12 caínna fotáto álîhni feí culli menzili
 nazalna bihi hhabbo álfená lam yohhaththami
- 13 bacarna becúráñ waástakherna bifohhrahín
 fahonna wawádeí áltraffi cályaddi lilfami
- 14 falemmá waradna álmáa zurk á jomámañ
 wadhâna îsiyya álhhadhíri álmotakhayyimi
- 15 wafeíhinna molhiyañ lillattheífi wamendherón
 âneikon' liâíni álnádhíri álmotawaffimi
- 16 faâeí fáiyán gáidh'o bno murraha bâdamá
 tabazzala má baína álâsheírahi biáldemi
- 17 faákсамto biálbáiti álladhí tháfa hhaúlaho
 rijálon' benúho min koraíshin' wajorhami

- 18 yameínán' linâma álfayyadáni wajidtomá
âlaí culli hhálin' min fahheílin wamobrami
- 19 tedárectomà ábfán' wadhobyána bâdamá
tefánúá wadakkúá baínahom îthra minshami
- 20 wakad kultomá án nodrica álfalma wáfíâán'
bimálin' wamârufín' mina álkaúli nellami
- 21 faásbahhtomá minhá âlaí khai'ri maúthínin'
baéidaína minhá min ôkúkin' wamáthami
- 22 âdhéimaína feí âlyá maâddin' hodeítomá
wamin yaftabihh cenzán' mina álmajdi yôdhámi
- 23 waásbahha yohhdeí feíhomo min tiládicom
magánimo fhatteí min ífálin' mozannami
- 24 toâffaí álcolúmo biálmáeíni faásbahhat
yonajjimohá men laífa feíhá bimojrimi
- 25 yonajjimohá kaúmon' likaúmin' garáma'han'
walam yohareíkúá baínahom milá mihhjami
- 26 ála áblici álahhláfa ânneí rifálahán'
wadhobyána hal ákfamtomo culli mokfami
- 27 felá tectomna állaha má feí nofúficom
liyakhfaí wamahmá yoctima állaho yálami
- 28 yowakhkher fayúdhâ feí citábin' fayoddokher
liyaúmi alhhiáfín' áu yaâjjal fayonkami

- 29 wamá álhharbo íllá má âlimtom wadhoktomúá
wamá húa ânhá biálhhadeíthi âlmorajjami
- 30 mataí tebâthúhá tebâthúhá dhameímaháñ
watadhíí ídhá ádhraítomúhá fatodhrami
- 31 fatâriccomo ârca âlrahhá bithifáliha
watolkíhh cífháfán thomma tontij fatotyami
- 32 fatontij lecom gilmána áshâma cullahom
caâhhmera ââdin thomma tordhî fatofthami
- 33 fatogill lecom má lá togillo liáhlíhá
koryán biálîráki min kafeízín wadirhemi
- 34 lehhayyín hhelálin' yâsimo âlnâfi âmrahom
ídhá tharakat íhhdaí âllyáli bimôdhâmi
- 35 cirámon' falá dhú âldhigni yodricho teblaho
ledaíhim walá âljâneí âlaíhim bimoflemi
- 36 raûúá má raûúá min dhâmyihim thomma áuradúá
gimarán' toferráí biâlfelâhhi wabiâldemi
- 37 fakadhúhá menáyá baínihim thomma âsderúá
ílaí caláin' mostúbilin' motawakhkhami
- 38 leâmri lenîma álhhayya jerra âlaíhomo
bimá lá yuwáteíhim hhośaíno íbno dhemdhemi
- 39 wacána tháwaí císh-hhán' âlaí mostacinnahín
felá húa ábdá há walam yatakaddami

- 40 wakála faákdheí hhájeti thomma átaki
âdúyyi biálfín min warayyi molajjami
- 41 fashadda walam yofzô boyútán catheírahan'
ledaí hhaíto álkat rahhlahá ómmo kâfhami
- 42 ladaí áfadin fháceí álfiláhha mokádhifín
leho libadon ádhfároho lam tokallami
- 43 jerriyyín mataí yodh'lam yoâákib bidh'holmihi
fereíâán waíllá yobda biáldh'holmi yadh'lami
- 44 leâmraca má jarrat álaíhim rimáhhohom
demo íbno neheícín áu kateíli álmothallami
- 45 walá sháracat feí álhharbi feí demi naúfelín
walá wahabín minhá walá íbni álmojadhdhami
- 46 wacullán' aráhom ásbahhúa yâkilúnaho
sahheíhháni málin' tháliâátin' mokharremi
- 47 wamen yâsi áthráfa álzijáji faínnoho
motheíô álâwaleí roccibat culla lahzemi
- 48 wamen yúfa lá yodhmo wamen yahdi kalbaho
ílaí mothmaeíni álbirri lá yatajamjami
- 49 wamen hába áfbába álmenáya yanalaho
waláu ráma ín yermaí álfemái bifollami
- 50 wamen yeco dhá fadh'lin' fayabkhal bifadh'lihi
álaí kaúmihi yoftagna ákho wayodhmami

- 51 wamen lá yazal yestarrhili álnáfa naffaho
walá yâfihá yaúmá'n' mina áldhulli yandami
- 52 wamen yagtarib yahhfib âduwwán' sadeíkaho
wamen lá yocarrim naffaho lá yacorrami
- 53 wamen lá yadhud ân hhaúdhihi bifiláhhihi
yohaddem wamen lá yadhlimi álnáfa yodhlami
- 54 wamen lá yo'sânî fei ómúrin' catheírahín
yodharras biányabín wayúthá biminíami
- 55 wamen yejâli álmârúfa men dúni îrdhihi
yafirho wamen lá yattakei álíhatma yofhtami
- 56 faímto tecáleífa álhhayáti wamen yaísh
themáneína hhaúlán' lá ábán' leca yefámi
- 57 ráyato álmenáyá khabthá áshwáa men to'sib
tomit-ho wamen tahhdheí yoâmmar fayahrami
- 58 wamahmá yecun înda ámriyín min khaleikahín
waín khálahá takhfeí âlaí álnáfi tôlami
- 59 waáâlamo má fei ályaúmi wálámfi kablaho
walecinnánei ân îlmi má fei gadín âmi

K Á L A

L E B E Í D O N

ÁLAÁMERIYYO.

- 1 âfati áldiyáro mahhallohá famokámohá
biminyan' tábada gaúlohá farijámohá
- 2 famodáfiô álráyani ôrriya refmohá
khalakán camá dhamina álwahhiyyo filámohá
- 3 demino' tejerramo bâda âhdi áneífahá
hhajajon' khalaúna hheláloha wahharámohá
- 4 rozikat merábeíâ álnojúmi wasábahá
wadko álrawáidi júdohá farihámohá
- 5 min culli fáriyahín' wagádin' modjini'
waâfhiyyahín' motajáwibín' írzámohá
- 6 faâlá forúâ álayhokáni waáthfalat
biáljelhataíni dhibáwohá waniâámohá

- 7 wálâino fácinahón âlai áthláyihá
ûúdhán'taájjila biálfadháï bihámohá
- 8 wajalá álfoýúlo âni áltholúli caínnahá
zuburon'tojiddo motúnihá áklámohá
- 9 áú rajô wáshimahín'ófiffa núúrohá
cifafán'taárradhá faúkahonna wiśhámohá
- 10 fawakafto áśálohá wacaífa fowáloná
śommán'khawálida má yabeíno celámohá
- 11 ôriyat wacána bihá áljomeíô faábcarúá
minhá wagúdira núyohá wathomámohá
- 12 fhákatca dhâno álhhayyi yaúma tehhammalúá
fatacennafúá kothonán'tasirro khiyámohá
- 13 min culli mahhfúfin'yedh'illo áśiyyoho
zaújon'âlaihi cillahón'wakirámohá
- 14 zujalán'caínna niâája túdhíhha faúkahá
wadhabáa wejrahá ôththafán'áramohá
- 15 hhofizat wazáyalahá álserábo caínnaha
ájzáô beíśhaha áthlohá waridhámohá
- 16 bel má tadhaccaro min nawári wakat badat
watakaththaât áśbábohá warimámohá
- 17 moriyyahón'khollat bifaída wajaáwarat
áhla álhhijázi faáína minca merámohá

- 18 bimishárikí áljebelaíni áú bimohhajjerín
fatadhammanat-há ferdañon farokhámohá
- 19 fafawáikon' ín áymenat famod'hannañon'
minhá wihháfo álkihri áú thilkhámohá
- 20 faákthá lobánañá men taárradhá wasloho
walifherri wásili khullahín sarrámohá
- 21 wáhhbo álmojámila biáljezeíli wasormoho
bákin' idhá dhaliât wazága kawámohá
- 22 bithaleíhhiñ ásfárin' taracna bakiyyahan'
minhá faáhhnaka solbohá wafenámohá
- 23 fa-ídhá tagálai lahhmohá watahhafferat
watakaththaât bâda álciláli hhidámohá
- 24 falehá hibábon' feí álzimámi caínnahá
sahhbáa ráhha maâ álnefeími jihámohá
- 25 áú molmiññ wafikat liáhhkabi láhhaho
thardo álfohhúli wadharbohá wacidámohá
- 26 yálú bihá hhadaba álácámi mofahh-hhaján'
kad rábaho ísyánohá wawihhámohá
- 27 biáhhizzahí álthalbúni yerbáo faúkahá
kafro álmerákibi khaúfohá arámohá
- 28 hhattaí ídhá falakhá jumádaí fittañín'
jazán fathála síyámohá wakiyámohá

- 29 waramaí dábirahá álfafá watahayyajat
reíhho álmośáyifi faúmohá wafahámohá
- 30 rajaâá biámrihomá ilaí dheí mirrahín
hhasadín wanajhho śareímahín íbrámohá
- 31 fatanázaâá fabithán' yothéiro dhíláloho
cadukháni mashhálahín' yofhibbo dhirámohá
- 32 mashmúlahín' golithat binebáti árfajín
cadukháni nárin' fáthiún' áfnámohá
- 33 famadhaí wakaddamahá wacánat áadáhan'
minho ídhá heía árradat íkdámohá
- 34 fatawaffáthá árdhá álfariyyi wasaddaâá
masjúrahan' motajáwirán' kullámohá
- 35 mahhfúfahan' wasthá ályarái yodhíllóho
minho mośarraô gábahín' wakiyámohá
- 36 áfatilca ám wahhshiyahón' masbúâhón'
khadhalat waádiyaho álsiwári kiwámohá
- 37 khansao dhayyaâti álfereíri falam yazal
árdho álhakáyiki tháúfóhá wabogámohá
- 38 lemoâfferín kahdín tenázaâ shilwoho
gabfón cawáfibo má yemunno tháâámohá
- 39 śadafna minhá girrahan' fásabnahá
ínna álmenáyá lá tatheísho fihámohá

- 40 bátat waáfala wácifon' min deímahín
torwaí álkhamáyila dáyimán tasjámohá
- 41 tejáfo áslán kálisán motanabbidhán
biôjúbi ínkáin yemeílo hayámohá
- 42 yâlu thareíka há matnahá motawátiron
feí laílahín cafara álnojúma gamámohá
- 43 watadhiyya feí wajhi áldhálemi moneírahan
cajománahi álbahhriyyi falla nidhámoha
- 44 hhattaí ídhá ánhhafara áldhelámo waásfarat
bacarat tazillo âni áltharaí ázlámoha
- 45 âlahat taballada feí nihâi soâáyadin
febâán towámán cámilán áyyámohá
- 46 hhattaí ídhá yayifat waás-hhaka hhálikon
lam yoblihi írdháôhá wafithámohá
- 47 watafammaât ruz áláneífi faráâhá
ân dhahri gaíbin' wáláneífo fakámohá
- 48 fagadat cullá álfarjaíni tahhfibo ánnaho
maúlaí álmokháfa hi khalfohá waámámohá
- 49 hhattaí ídhá yaífo álromáho waárfalúa
godhofán dawájino káfilán áâsámohá
- 50 falahhikna wáâtacarat lehá medrayyahon'
cálfamhariyyahi hhoddohá watemámohá

- 51 litadhúdahonna waáýkanat ín lam tadhud
án kad ájamma maâ álhhatúfi hhamámohá
- 52 fatakássadat minhá cifába fadharrajat
bicron wagúdira feí álmicarri fijámohá
- 53 fabitilca ídh rakafa állawámiô biáldhohhar
wájtába árdiyahá álferábi ícámohá
- 54 ákdhi állobánaña lá ófarritho reíbahán
áu án yalúma bihhájahín lawwámohá
- 55 áwalam tecun tadrei nawáro beínnani
wássálo íkdi hhabáyilín jadhdhámohá
- 56 tarráco ámcinahín ídhá lam árdhahá
áu yertabith bádha álnofúfi hhimámohá
- 57 bel ánti lá tadreína cam min laílahín
thalikín ledheídhín lahwohá wanidámohá
- 58 kad bitto fámirahá wagáyahá tájirín
wáfaíta ídh rofaát waázza modámohá
- 59 ógleí álfibáa beculli ádcana áátikín
áu júnahín kodihhat wafodhdhá khítámohá
- 60 bisabúhhín sáfiyahín wajadhbi careínahín
bimowatterín tátáloho íbhámohá
- 61 bácarto hhájatahá áldojája bifohhrahín
lióalla minhá hheína hobba niyámohá

- 62 wagadáhi reíhhiń kad wazáto wakorrahiń
ídh ásbahhat biyadi álshimáli zimámohá
- 63 walekad hhamaíto álhhayya tahhmila fhiccati
forothón wiśháhhi ídh gadaúto lijámohá
- 64 faálúto murtakabán álaí dheí habwahín
khorajín ílaí áálámihinna katámohá
- 65 hhataí ídhá áłkat yadán feí cáfirín
waájáńno áúrato áłthogúri dhalámohá
- 66 ás-halto wántasabat cajidhî maneífaín
jerdáa yahhsoro dúnahá jorrámohá
- 67 raffâtohá thârda álñiâámi wafaúkaho
hhataí ídhá fakhinat wakhaffa ídhámohá
- 68 kalikat rihhâlatohá waásbala nahhrohá
wábtalla min zabdi álhhameími hhizámohá
- 69 tarkaí watathâno feí álñnâni watantihhaí
wirda álhhamámahi ídhá jadda hhamámohá
- 70 wacatheírahon gurbáwohá majhúlâhon
torjaí nawáfilohá wayokhíhaí dhámohá
- 71 golbiń tashaddara biáldokhúli caínnahá
jinno álbadiyyi rawáfiyán ákdámohá
- 72 áncarto báthilahá wabúto bihhakkihá
yaúmáń walam yafkhar álayyi cirámohá

- 73 wajezúro íyfarin daáúto lihhatfihá
bimagálikín motafhábihin áálámohá
- 74 ádúú bihinna liáákirín áú mothfilín
bodhilat lijeírání áljameiú lihámohá
- 75 fáldháífo wáljáro algareibo cáinnamá
habathá tabálaha mokhsibán áhdhámohá
- 76 táweí ílaí áláthnábi culli radhiyyahín
mithlo álbaliyyahi kálisín áhdámohá
- 77 wayocallalúna ídhá álríyáhhó tenáwahhat
kholoján tomeddo shawáriáán áytámohá
- 78 ínná ídhá áltakati álmojámiô lam yazal
minná lizázo ádhéimahín jafhámohá
- 79 wamokaffimin' yôtheí álâsheírahó hhakkahá
wamogadhmírin' lihhokúkihá hadhámohá
- 80 fadhlán wadhú caremín yoéíno álaí álnadaí
famhhon' casúbo ragáyibín gannámohá
- 81 min másharin' fannat lehom ábáwohom
waliculli kaúmin' fonnahón waímámohá
- 82 ín yafzaúúá yolkaí álmogáfira índahom
wálfínno yalmaô cálcawácibi lámohá
- 83 lá yathbaúúna walá yebúro faáálohom
ín lá tameílo maâ álhawai áhhlámohá

- 84 fabenúá lená baítán' rafeíáán' semcoho
 fafamaí ílaíhi cohlohá wagolámohá
- 85 fáknâ bimá kafama álmeleíco faínnamá
 kafama álkhaláyika baínaná âlámohá
- 86 waídhá álámána'ho koffimat feí mâsharín
 áúfaí biáâdhâmi hhadh'dhíná kaffámohá
- 87 fahom álfoâáto ídhá álâsheíra'ho áfdháât
 wahom fawárifohá wahom hhoccámohá
- 88 wahom rabeíôn' lilmojáwiri feíhomo
 walmormiláti ídhá tatháwala âámohá
- 89 wahom álâsheíra'ho ín yobaththái hháfídon'
 áú án yameílo mâa álâdwi liyámohá

84 fahoná lená baltán tateáán tennohó
fahoná ístáhi cohohó waghóhohó

85 fáká binná kalamá ánnelico fannánná
kalamá ákkháyká pánná ánnohó

K Á L A

86 wádhá ánnánná kóhmat fí málhán
ánná ánnánná kóhmat fí málhán

A N T A R A H O N

87 fahoná ánnánná kóhmat fí málhán
fahoná ánnánná kóhmat fí málhán

ALABSIYYO.

88 wahoná fahoná kóhmat fí málhán
wahoná fahoná kóhmat fí málhán

- 1 hal gádera álhoáráo min motaraddimi
ám hal árafta áldári báda tawah-homi
- 2 yá dára áblaha biáljawái tecellameí
waímmeí sébáhhán dára áblaha wáslimi
- 3 fawakafto feíhá nákiteí wacaínnahá
fadanón liákdheí hhájahá álmotalawwimi
- 4 watahhillo áblaha biáljawái waáhlóhá
biálhhazni fálsammáni fálmotathallomi
- 5 hhoyyeíta min thalalín tekádema áhdohó
ákwaí waákfara báda ómmi álhaíthami
- 6 hhallat biárdhi álzáyireína faásbahhat
áfirán álaí thollábici íbnaí makhrami

- 7 ôlliktohá âradhán' waáktolo kaúmahá
zâmán' leâmra ábeíca laífa bimotozîmi
- 8 walekad nazalti felá tadhunneí gaíroho
minneí bimenziláhi álmohhabbi álmocremini
- 9 caífa álmezáro wakad terabbaô áhlohá
biôneízataíni waáhlóná biálgailami
- 10 ín conti ázmâti álfiráka faínnamá
zummat rocábicomo bilaílin' modh'limi
- 11 má ráâneí illá hhomúlahó áhlihá
wafátha áldiyári tafuffo hhabba álkhimkhimi
- 12 feíhá áthnitáni waárbaúuna hhalúbahan'
fúdán' cakháfiyahi álgorábi álás-hhami
- 13 ídh testabeíca bidheí gorúbín wádhíhhih
âdhbín mokabbalaho ledheídho álmathâmi
- 14 wacáinna fáraha tájirín bikafeímaíhín
fabakat âwáridhohá ílaíca min álfami
- 15 áú raúdhahín ínfán' tadhammana nebtahá
gaíthon kaleílo áldimni laífa bimálami
- 16 jádat âlaíhi cullo becrín hhurrahín
fataracna cullo karárahín cáldirhemí
- 17 fahh-hhán watiscábán' faculli áfhiyyahín
yajreí âlaíha álmáo lam yatásarrami

- 18 wakhala áldhobába bihá falaífa bibárihhin
garidán cafíli álfháríbi álmotarannimi
- 19 haziján yahhocco dhiráâho bidhiráâhi
kadhha álmocibbi álaí álzenádi áljdhami
- 20 tomfeí watosbihho faúka dháhri hhaſhiyyahín
waábeito faúka foráha ád-hama moljami
- 21 wahhaſhiyyateí farjín álaí âbli álfhawaí
nehdín meráciloho nebeílo álmahhzemi
- 22 hal tabloginneí dáraha ſhadaniyyahón
loónat bimahhrúmi álfherábi maſorrami
- 23 khaththárahón gibba álforaí zayyáfahón
tathífo álácama biwakhdi khuffín maíthami
- 24 wacaínnamá tathífo álácama áſhiyyahan
bikareíbi baína álmínſamaíni moſallami
- 25 táweí leho kolóſo álniáâmi camá áwat
hhizakon yemániyahón liáâjami thimthimi
- 26 yatabâna kullaáha ráfihi wacaínnaho
hharijon álaí nâſhín lehonna mokhayyami
- 27 ſálin yaúúdo bidheí álâſheírahi baídáhho
cálâbdi dheí álférwi álfhaweíli áláſlami
- 28 ſharibat bimái áldohhradháini fáſbahhat
zaúráa tenforo ân hhiyádhi álđáílemi

- 29 wacaínnamá yenáya bijánibi diffahá
álwahhsheí min hazaji álîshiyyi muwawwimi
- 30 hirron' janeíbon' cullamá âthifat leho
gadhbái áttakáhá biályadaíni wabiálfami
- 31 ábkaí lehá thúla álzemáni mokermadán'
fanadán' wamithla daááyimi álmotakhayyimi
- 32 baracat âlaí máí álrídáî caínnamá
baracat âlaí kasabín' ájashsha mohadhádhámi
- 33 wacána rabbán' áú cahheílán' môkadán'
hhashsha álwofúda bihi jawánibi komkomi
- 34 yenbáô min dhifraí gadhúbin jefrahín
zayyáfahín' mithla álfateíki álmocdami
- 35 ín togdafeí dúneí álkináî faínnaneí
thibbon' biákhghi álfárfi álmofalyimi
- 36 áthaneí âlayyi bimá âlimti faínnaneí
fahlon' mokhálafateí ídhá lam ódhámi
- 37 faídhá dhólimto faínna dhólmeí báfilon'
mirron' modhákatoho cathâmi álâlkami
- 38 walekad sharibto min álmodámahi bâda má
racada álhawájiro biálmishúfi álmâlami
- 39 bizojájahín' safráa dháhi áfirrahín
korinat biásfari feí álshimáli mofaddami

- 40 faídhá fharibto faínnaneí mostahlicón
máleí waírdheí wáfiron lam yoclami
- 41 waídhá sahhaúto femá ókássiro ân nadaí
wacamá âlimti fhemáyileí watecerromi
- 42 wahhaleílo gáníyahín taraçto mojjaddalán
temcú fereísatoho cashidki álââlami
- 43 fabakat yedáya leho biâájili thânahín
warasháphi náfidahín calaúni álândami
- 44 hallá fálati álkhaílo yá bnata málicín
ín conti jáhilahan bimá lam tâlami
- 45 ídh lá ázálo âlaí rihhálahi fâbihhín
nehdín taâáworoho álcomáho mocellami
- 46 thúrán yojarrado lilthiâáni watárahan
yáweí ílaí hhasadi álkiffeí âramrami
- 47 yokhbirco min fhahida álwakeíâha ínnaneí
ágshaí álwagaí waáíffo înda álmagnami
- 48 wamodajjajín cariha álcomáho nizálaho
lá momniîn harabán walá mostaflimi
- 49 jádat yedáya leho biâájili thânahín
bimothkafín sídki álcaûúbi mokawwami
- 50 birahheíbaíhi álfargaíni yahdeí jerfohá
biállaili môtaffa áldhiyábi áldhorrami

- 51 fashaceſto biálromhhi álásammi thiyábaho
laífa álcareímo âlai áłkaná bimohhrami
- 52 fataraſtoho jazra álfibái yanofhnaho
má baína kullaſa ráfihi wálmíſami
- 53 wamaſhacci fábigahín hataſto forújahá
biálſaífi ân hhámei áłhakeíkahi mólami
- 54 rabidhín yedáho biálkidáhhi ídhá ſhatá
hataco gáyati áltejári molawwami
- 55 lemmá raáneí kad nazalto óreídoho
ábdaí nawájidhoho ligaíri tebaſſomi
- 56 fathânatoho biálromhhi thomma âlaútoho
bimohendaín ſáfeí áłhadeídahi mikhdhami
- 57 âhdeí bihi medda áłnehári caínnamá
khodhiba áłbenáno waráſoho biálídhíłami
- 58 bathalín caínna thiyábaho feí ſarhhihi
yohhdhai níáalo áłſebti laífa yatawámi
- 59 yá ſháho má kanaſín limen hhallat leho
hhorimat âlayyi walaítóhá lam tohhami
- 60 fabaâth-to járiyateí fakolto lehá ídh-habeí
fatajaſſafeí áłhbárahá leí wáálimi
- 61 kálat raíto mina áłááadeí girrahan
wálſháho momcinahon limen hú murtami

- 62 wacáinnamá áltafatat bijeídi jidáyahín
rafháin mina algizláni hhurrín áarthami
- 63 nobbeíto ámrán gaíra fhácira nîmateí
wálcofro mukhbathahón lineffi álmonîmi
- 64 walekad hhaídhhto wasáha ámmeí biáldhíhhaí
ídh takliso álshéftáno ân wadh-hhi álfami
- 65 feí hhaúmaí álhharbi állateí lá tashtaceí
gamrátihá álábthálo illá tagamgomi
- 66 ídh yatakúna beí aláfinnahá lam ákhim
ânhá walecinneí tadháyika mokdameí
- 67 lemá samâto nidáa morraha kad ála
wábnaí rabeíâha feí algibári áláktami
- 68* 69 wamohhallamon yafûúna tahhta liwáyihim
wálmaúto tahhta liwáî áli mohhallami
- 70 áyaknat án fayacúna înda likáyihim
dharboń yatheiro âni álfirákhi áljoththami
- 71 lemá ráyato álkaúma ákbala jamôhom
yatadhámeruna cararto gáiro modhammami
- 72 yadûúna ântara wálrímáhhi cáinnahá
áshtháno beírín feí lobáni álád-hami
- 73 má zilto ármeíhim bigorraíhi nahhrihi
walibánihi hhataí teferbala biáldemi

- 74 wázawwara min wakî áłkaná bilibánihi
washacaí ílayyi biâbrahin' watahhamhhomi
- 75 laú cána yadreí má álmohháwaraho áshataí
walecána laú álima áłceláma mocellomi
- 76 wálkhaílo taktahhimo áłkhibára âwábifán
min baíni shaídhamahín' waájrada shaídhami
- 77 walekad shafaí kalbeí waádh-haba fokmohá
keílo álfawárfi waíca ântaraho ákdimi
- 78 dhululon rucábeí hhaítho sheíto mosháyiéí
lobbeí waáhhfozoho biámrin' mobrami
- 79 walekad khasheíto bián ámúto walam tacun
lilhharbi dáyirahón álaí íbneí dhemdhemí
- 80 áłfhátimeí îrdheí walam áłhitmohá
wálnádhiraína ídhá lám áłkahomá demi
- 81 ín yafála falekad taraçto ábáhomá
jezrá áłfibái waculli nifrin' kafhâmi

K Á L A

A M R U O N

ALTAGLEBIYYO.

- 1 ála hibbeí beśahhnica fáśbihheíná
welá tobkeí khomúra álándereíná
- 2 mośhâśhâahon' caínna álhhośśa feíhá
ídhá má álmáo khálathaho śhahheína
- 3 tejúro bedheí állóbánaĥi ân hawáho
ídhá má dhákahá hhattaí yeleíná
- 4 teraí állahhza áľśhahheíhha ídhá ámarrať
âlaíhi lemálihi feíhá meheíná
- 5* 6 madadti álcáśa ânná ómma âmrúin
wacána álcáśo mojráhá ályemeíná
- 7 wamá śherro altheláthohi ómma âmrúin
beśahhibici álladhí lá tośbihheíná

- 8* 9 waïnná faúfa todricóná álmenáyá
mokaddarahań lená wamokaddereína
- 10 kifeí kabla ál tafarroki yá dhâeína
nekhabberraci ályekeína watokhbireína
- 11 kifeí nefálaci hal áhhdatti sormán
lewafhci álbaíni ám khonti álámeína
- 12 biyaúmi careíhahin dharbán wathânán
âkerra behi mawáleíci álôyúná
- 13 toreíci ídhá dakhalti âlaí khaláin
wakad áminat ôyúno álcáfhihheína
- 14 dhiráêí áithalín ádmái becrín
terabbaâti álájariâ wálmitúná
- 15 wathadyán mithla hhokki álâáji rakhsán
hhasánán min ácoffi állámifeína
- 16 wamatnaí lednahín thálat walánat
rawádifoá tenúo bimá waleína
- 17* 18* 19 tadhacrato álsibaí wáhtakto lemma
ráyato hhomúlahá ósolán hhodeína
- 20 waáâradhati ályemamáho wáshmakharrat
caáfyáfin biáídí mosliteína
- 21 femá wajidat cawajdeí ómma fakbin
ádhallattaho ferajjaâti álhthaneína

- 22 welá fhamtháa lam yatroc fhekáhá
lehá min tiláhin' íllá janeína
- 23 waínna gaddán waínna ályaúma rahnon'
wabâda gadín bimá lá tâlameína
- 24 ábá hindín felá tâjal âlaína
waándhirná nokhabbirca ályakeína
- 25 beínná núrido álráyati beídhán
wanódirohonna hhomrán' kad raweína
- 26 waáyyámin' lená gorriń' thiwálin'
âfaína álmelca feihá án nadeína
- 27 wafayyidi mâfherín' kad tawwajúho
bitáji álmolci yahhmeí álmohhjireína
- 28 terecná álkhaíla âákifahón' âlaíhim
mokalladahón' áinnatahá sófúna
- 29* 30 wakad harrat cilábo álhhaí minná
wafhadhaboná katádaña men yaleína
- 31 metaí nenkol ílaí kaúmin' rohhána
yecúnúa feí állikáí lehá thahheína
- 32 yecúno thikálohá fharkiyyo najdín
walahwatohá kodháâha ájmâeína
- 33 nezeltom menzila áládhyáfi minná
faâjjalná álkiráí án teshtomúna

- 34 kareinácom faâjjalná kirácom
kobaíla álsobhhi mirdáhan thohhúná
- 35 waínna áldhigna bâda áldhigni yafshúa
âlaíca wayokhrijo áldái áldafeíná
- 36 warithna álmajda kad âlimat maâddon
notháino dúnahó hhattaí yabeíná
- 37 wanahhno ídhá îmodo álhhayyi kharrat
âlaí áláhhfádhi namnáa men-yaleíná
- 38 nodáfîo ânhomo áláâdáî kidmán
wanahhmilo ânhomo má hhammalúná
- 39 notháino má terákhai álnáfo ânná
wanedhribo biálfoýúfi ídhá gasheíná
- 40 bifomrin' min kaná álkhatthái lodnin'
dhawábila áú bibeídhín yâtaleíná
- 41 nashokko behá rúúfa álkaúmi shikka
wanakhtalibo álrakába fayakhtaleíná
- 42 tekhála jemájima álabthála feíhá
wofúkan' biálámâizi yertameíná
- 43 nahhirro rúúfahom feí gaíri birrin'
femá yadrúna má dhá yattakúná
- 44 caínna foyúfaná feiná wafeíhim
makháreíkon' biáídí láîbeíná

- 45 caínna thiyábaná minná waminhom
khodhibna biárbawánín áú tholeíná
- 46 ídhá má âyya biáláfnáfi hhayyon
mina álhaúli álmothabbahi án yecúna
- 47 náabná mithla rahwaha dháta haddín
moháfadháhan wacónná álfábikeíná
- 48 bifityánín yerúna álkatla majdán
washeíbin feí álhhorúbi mojarabeíná
- 49 hhodayyá álnáfi cullihimi jameíán
mokáraâhan beneíhim ân beneíná
- 50 faámmá yaúma khashyataná âlaíhim
fatosbihho gárahan motalabbabeíná
- 51 waámmá yaúma lá nekhshéi âlaíhim
fatosbihho feí mejálifiná thobeíná
- 52 biráfi min beneí joshami íbni becrín
nedokki bihá álfohúlaá wálkhozúná
- 53* 54 ílá lá yejhalan áhhadón âlaíná
fanajhalo faúka jehli áljáhileíná
- 55 biáyyi mesheíahín âmrúa íbna hindín
totheíô biná álwiíháá watazdereíná
- 56 biáyyi mesheíahín âmrúa íbna hindín
necúno likeílicom feiná katheíná

- 75 teheddadaná waáúâdaná rúwaídán
metaí conná liómmica moktaweíná
- 58 faínna kenátaná yá âmrú áâyat
âlaí aláâdáï kablaca án teleíná
- 59 ídhá gadhdhá álthikáfi bihá íshmázat
wawallat-hom âshúzanahan' zobúná
- 60 âshúzanahan' ídhá ánkabat árannat
tadokko kafá álmothakkafi waáljabeíná
- 61 fahal hhodditha feí jafhami íbni becrín
binaksín feí khothúbi aláwwaleíná
- 62 warithna majda âlkamaha íbni faífin'
ábáhha lená hho'súna álmajdi deíná
- 63 warithto mohalhalán waálkhaíra minho
zohaírán nîma dhikhri áldhákhireíná
- 64 waâttában' wacelthúmán' jameiân
bihim nilná torátho aláwwaleíná
- 65 wadhá álborrhahi álladheí hhoditha ânho
bihi nohhmaí wanahhmeí álmoljaeíná
- 66 waminná kablaho álfáêí colaíbon'
faáyyi álmajdi íllá kad waleíná
- 67 metaí nâkid kareinataná bihhablin'
najodhdho álwa'sla áú nakifi álkareíná

- 68 wanújado nahhno ámnâhom dhimárán
waáúfâhom ídhâ âkadúâ yameínâ
- 69 wanahhno gadáha áúkada feí khezârin
rafadná faúka rifdi álráfideínâ
- 70 wanahhno álhhabifúna bedheí árâtheí
taffoffo áljollaâo álkhúro áldereínâ
- 71 wanahhno álhácimúna ídhâ óthîná
wanahhno áláázimúna ídhâ ôseínâ
- 72 wanahhno áltáricúna limâ fakhithná
wanahhno álákhidúna limâ radheínâ
- 73 wacunnâ áláymeneínâ ídhâ áltakeínâ
wacána áláyfereínâ benúâ ábeínâ
- 74 fasálúâ 'saúlâhan' feímen yaleíhim
wasólnâ 'saúlâhan' feímen yaleínâ
- 75 faábúâ biálnihâbi wabiálsebayâ
waíbnâi álmolúci mosaffadeínâ
- 76 ílaícom yâ beneí becrin'ílaícom
álamamá târifúâ minná ályakeínâ
- 77 álamamá tâlemúâ minná wamincom
catáyibi yathâinna wayertameínâ
- 78 âlaínâ álbeídhô waályalabo ályemâneí
waáfyáfin' yakomna wayanhaneínâ

- 79 álaíná cullo fábigahín dilásín
teraí faúka álnejádi lehá godhúná
- 80 ídhá wodhiâat ân alábtháli yaúmán
ráyata lehá jolúda álkaúmi jaúná
- 81 faínna motúnahonna motúna gadrin
tosaffikohá álreiáhho ídhá jareíná
- 82 watahhmiloná gadáho álraúî jordon
ôrifna lená nekáyidho álteleíná
- 83* 84 warithnáhonna ân íbnáí sidkín
wanaúrothihá ídhá mutná beneíná
- 85 wakad âlima álkabáyilo min moâddín
ídhá kobabon biábthahhihá beneíná
- 86 beínná álâásimúna beculli cihhlin
waínná álbadhilúna limojtedeíná
- 87* 88 waínná álmániúna limá yaleíná
ídhá má álbeídhí dhábalati áljofúná
- 89 waínná álmonîmúna ídhá kadirná
waínná álmohlicúna ídhá áteíná
- 90 waínná álfháribúna álmáa safwan
wayashrebo gaíraná âcaran watheíná
- 91 ála áblig beneí álthamáhhi ánná
wadômiyyan facaífa âraftomúná

- 92 âlaí átháriná beidhón' cirámon'
nohhádhiro án tofárika áú tehúná
- 93 dháâyino min beneí jashami bni becrin'
khalathna bimaífemin' hhaíabán' wadeíná
- 94 ákhadhna âlaí boûúlatihonna âhdan'
ídhá lákúá fawárika môlameíná
- 95 liyaftalibanna ábdánán' wabeídhán'
waáfraí feí álhadeídi mokarraneíná
- 96 * 97 ídhá má rohhna yamfheína áluhuwaíná
camá ádhtharabat motúno álháribéíná
- 98 yakitna jiyadaná wayakolna lefom
boûúlataná ídhá lam temnaúúná
- 99 ídhá lam nahhmihinna felá bekeíná
lifthayan' bâdahonna welá hhoyeíná
- 100 wemá manaâ áldháâáina mithla dharbin'
teráí minho álfawáido cálkileíná
- 101 * 102 * 103 lená áldunyá wamen ádh-hhai âlaíhá
wanebthiího hheína nebthiího kádireíná
- 104 ídhá má álmolco fáma álnáfa khasfán'
ábaíná án nekirra áldholla feíná
- 105 nofammaí dhalimeíná wemá dhalamná
walecinná fenabdá dhalimeíná

106 ídhá balaga álfithámo lená sábiyyon'
tekhirro leho áljabábero fajideíná

107* 108 meláná álbarrá hhattaí dháka áнна
wad'hahra álbahhri nemláwoho sefeína

HHÀRETHON

ALYASHCORIYYO.

K Á L A

HHÁRETHON

ALYASHCORIYYO.

- 1 áádhanatná bibáinihá áfomáo
robba tháwin' yomello minho álthawáo
- 2 bâda âhdiñ lehá biborkahá shemái
faádnaí diyárahá álkhaltháo
- 3 fálmohhayyáho fál sífáhho fáglaí
dheí fithákin faáádhbon fálwafáo
- 4 fariyádhó álkhathá faáúdiyáho álshireíbi
fálshôbatáni fáláyláo
- 5 lá áraí men âhidto feihá faíbcí
ályaúma dilhán' wamá yeruddo álbocáo
- 6 wabiâinaíca áúkadat hindon' álnára
áseilán' telwei bihá álâlyáo

- 7 áúkadat-há baína álâkeíki fashakhśaíni
biûúdin'camá yalúhho áldhiyáo
- 8 fatanawwarto nárahá min baêidin
bikhezázin' haíhátó minca álsiláo
- 9 gaíra ínneí kad áftaêino âlaí álhommí
ídhá khaffa biálthawiyyi álnejáo
- 10 bizofúfín caínnahá hiklahón ómmo
riyálin dawiyyahón fakfáo
- 11 ánafat nebaton waafzaâhá álkennáso
âsrán wakat danaí álímfáo
- 12 fataraí khalfahá min áljât
wálwakî meneínán caínnaho íhbáo
- 13 wathírákán' min khalfihinna thírákón
fákitháton telweí behá álsahhráo
- 14 átalah-há bihá álhawájiro ídh cullo
íbno ónthái beliyyahón âmyáo
- 15 waátáná mina álhawádithi ánbáo
wakhath'bon nônai behi wanofáo
- 16 ínna íkhwánona álarákemi yaglúna
âlaíná feí keílihim íhhfáo
- 17 yakhlithúna álberiyya minná bedheí áldhanbí
walá yanfaô álkhaliyyo álkhaláo

- 18 zaâmúá ínna cullo men dharaba álêira
mowálin lená waínná álwaláo
- 19 ájmaûúá ámrahom bilaílin' falammá
ásbahhúá ásbahhat lehom dhaúdháo
- 20 min monádin' wamin mojeíbin' wamin
tis-háli khaílin' khilála dháca rogáo
- 21 áyyohá álmánthiko álmorakkisho ánná
înda âmrúin' wahal ledháca bekáo
- 22 lá takhilná âlaí giratica inná
kablo má kad wafhaí biná álâádáo
- 23 fabekeíná âlaí álfhenáahi tenmeíná
jodûdon wagarrahon káfáo
- 24 kabla má ályaúma bayyadhát biôyúni
álnáfi feíhá taâyayathó waíbáo
- 25 wacaínna álmenúna terdeí biná
árâna júnin' yenjábo ânho álâmáo
- 26 mocfahirrán âlaí álhawádithi má terthúho
lildehri mowyidon' sámáo
- 27—33* 34 thomma milná ílaí tameímin' faáhhramná
wafeíná benáto morrin' ímáo
- 35 lá yakeímo álâzeízo biálbeledi álfahli
walá yanfaô álkhaliyyo álnejáo

- 36 laífa yanjeí mowáyadoń min hhezárin
ráfa thúdin' wahhurrahon rajlao
- 37 famelecná bidhelica álnáfo hhattaí
maleca álmondhiro íbno mái álfamáo
- 38 wahú álrabbo wálsheheído álaí yaúmi
álhhayáraíni wálbelaó beláo
- 39 melico ádhlaô álberiyyahi má yújado
feíhá limá ledaíhi cofáo
- 40 fátrocúa áltheíkha wáltaâddeí waímmá
teteâáfhuá fafeí áltâáfheí áldáo
- 41 wádhcorúa khalfa dheí álmejázi wamá
kaddama feíhi álôhúdo wálcofláo
- 42 hhadhara áljúra wáltaâddeí walen
tenkadho má feí álmoháriki álíhwáo
- 43 áâlimúá ínná wáiyýácomo feímá
áfhtarathná yaúma ákhtalofná fawáo
- 44 áâlainá jonáhho condaha án
yâtami gáziyyohom waminná áljázáo
- 45 ám âlainá jerá hhaneífaíh áú má
jamaât min mahháribiń gabráo
- 46 ám janáyá beni âteíkiń famen
yâdhoró faínná min hharbihim boráo

- 47 ám âlainá jeraí álîbádo camá neithá
bijúzi álmohhammili aláâbáo
- 48 ám âlainá jeraí kodháâhá
ám laífa âlainá feímá janúáíndáo
- 49 ám âlainá jeraí íyádin' camá
keíla lithásmín' ókhúwacomo alíbáo
- 50 laífa minná álmodharriyúna walá kaífn'
walá jondalon' walá álhaddáo
- 51 ânanán' báthilán' wadhólmán' camá
yâtoro feí hhojraha álrabeídhi áldhíabáo
- 52 wathemánúna min tameímín' bíáydihim
rimáhhon' sódúrohinna álkadháo
- 53 lam yahhillúá beneí rizáhhin' biborkáa
nitháín' lehom âlainá doáo
- 54 terecúhom molajjabeíná waábúá
binehábin' yasimmo minho álhhidáo
- 55 thomma jáúá yesterjiúna
falam terjâ lehom sháma'hon' walá zahráo
- 56 thomma fáúá minhom bikáfima'hi áldhéhri
walá yabrodo álgaleíla álmáo
- 57 thomma khaílon' min bâdi dháca mâa álgalláki
lá ráfa'hon' walá íbkáo

- 58 má ásbúá min taglebiyyin' famathlúlon'
álaíhi ídhá tawalleí alôfáo
- 59 catecáleífi kaúmaná ídhá gazá
álmondhiro hal nahhno líbni hindín roâáo
- 60 ídhá hhallá alâlyáo kobbáha maífúná
fáadneí diyárahá álkhaltáo
- 61 fataáwwat lehom karádhíbahon' min
culli hhayyin caínnahom ílkáo
- 62 fahadáhom biáláfwadaíni waámro
állahi balgon' yashkeí bihi áláhkíyáo
- 63 ídh temenúhomo áfrán' fafakat-hom
ílaícom ámniyyáhon íshráo
- 64 lam yogrúcomo gorúrán' walacín
yerfaô álalo jemôhom wáldhohhá
- 65 áyyohá álsháneío álmoballigo ánná
índa ámrúin' wahal lidháca ínteháo
- 66 ín ámrúon' lená ledaíhi khilálon
gaíri fhaccín feí cullihinna álbéláo
- 67 melicon' mukfithon waácmelo men yamfíhí
wamin dúni má ledaíhi álthenáo
- 68 áramiyyon' bimithlihi jálati áljinnó
faábat likhesmihá álájláo

- 69 men lená îndaho mina álkhaíri áyátin
theláthin feí cullihinna álkadháo
- 70 áyahón sháriko álfhakeíkahi ídh
jáúá jameíáán liculli hhayyin liwáo
- 71 hhaúla kaífin mostalameína bicabshin
koradhiyyin caínnaho ábláo
- 72 wasayitin min álâwátici má
tenháho íllá mabeídhahón ráláo
- 73 radadnahomo bithânin camá yakhrojo
min khirbahi álmezádi álmáo
- 74 wahhamalná homo âlai hhazami thahláni
shilálán wadommiya álánfáo
- 75 wafaálná bihim camá âlima állahón
wamá án lilhháyaneína dimáo
- 76 thomma hhojrán ââneí íbna ómmi fathámin
waleho fárfiyyahón khedhráo
- 77 áfadoñ feí állikái wírdón hemúfón
warabeíñón ín shannâat gabráo
- 78 fajabhaná homo bidharbin camá tenhozo
ân jammahi álfhawiyyi áldiláo
- 79 wafacacná gilla âmri álkaífi ânho
bâda má thála hhabsoho wálânáo

- 80 waákadnáho rabba gaffána biálmondhiri
carhán' ídh lá tocála áldomáo
- 81 wafadeínáhomó betisâhi ámlácin'
cirámin' áflábohóm ágláo
- 82 wamaî aljúna júna áli beneí áláuſi
ânúdon' caínnaho dafwáo
- 83 má jazîná tahhta álâjáji ídh
walat biáf káyihá wahharr álsiláo
- 84 wawalidná âmrúa íbna ómmi áyáfin
min kareíbin' lemá átáná álhhibáo
- 85 mithlohá takhrojo álnaseíhaó lilkaúmi
faláhon' min dúnihá áfláo

80 waskasho tabba gashin dalmundhiri

carhan idh la tocala aldomno

81 waskasho petishi amlan

carhan alabohom aglio

82 waskasho juna ali benel alad

andon carnanho dawo

83 ma jasho tabba alajji idh

walat biel kayin wahhar alado

84 waskasho amra ihu omni ayin

min karidin jama anan alhido

85 mithloha takrojo alnasho likanmi

alshon min danda aldo

86 waskasho amra ihu omni ayin

min karidin jama anan alhido

87 waskasho amra ihu omni ayin

min karidin jama anan alhido

88 waskasho amra ihu omni ayin

min karidin jama anan alhido

89 waskasho amra ihu omni ayin

min karidin jama anan alhido

90 waskasho amra ihu omni ayin

min karidin jama anan alhido

P O E M S,
CONSISTING CHIEFLY OF
TRANSLATIONS

FROM
THE ASIATICK LANGUAGES.

*Juvat integros accedere fontes,
Atque haurire, juvatque novos decerpere flores.*

LUCR.

P O E M S

CONSISTING CHIEFLY OF

TRANSLATIONS

FROM

THE ASIATIC LANGUAGES.

Adque haurire, juvenique nervos decipere flores.
Juvenat integros accendere fontes,

Lucr.

TO
THE RIGHT HONOURABLE
THE COUNTESS SPENCER,
THESE EASTERN PIECES,
AND, PARTICULARLY,
THE POEM OF
S O L I M A,
ARE MOST RESPECTFULLY
INSCRIBED
BY HER LADYSHIP'S
MOST OBLIGED
AND FAITHFUL SERVANT,
THE AUTHOR.

TO
THE RIGHT HONOURABLE
THE COUNTESS SPENCER

THESE EASTERN PIECES

AND PARTICULARLY

THE POEM OF

SOLIMAN

ARE MOST RESPECTFULLY

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AND FAITHFUL SERVANT

THE AUTHOR

THE

PREFACE.

THE reader will probably expect, that, before I present him with the following miscellany, I should give some account of the pieces contained in it; and should prove the authenticity of those *Eastern* originals, from which I profess to have translated them: indeed, so many productions, invented in *France*, have been offered to the publick as genuine translations from the languages of *Asia*, that I should have wished, for my own sake, to clear my publication from the flightest suspicion of imposture; but there is a circumstance peculiarly hard in the present case; namely, that, were I to produce the *originals* themselves, it would be impossible to persuade some men, that even *they* were not forged for the purpose, like the pretended language of *Formosa*. I shall, however, attempt in this short preface to satisfy the reader's expectations.

The first poem in the collection, called *Solima*, is not a regular translation from the *Arabick* language; but most of the figures, sentiments, and descriptions in it, were really taken from the poets of *Arabia*: for when I was reading some of their verses on benevolence and hospitality, which they justly consider as their most amiable virtues, I selected those passages, that seemed most likely to run into our measure, and connected them in such a manner as to form one con-

tinued piece, which I suppose to be written in praise of an *Arabian* princess, who had built a *caravansera* with pleasant gardens for the refreshment of travellers and pilgrims; an act of munificence not uncommon in *Asia*. I shall trouble the reader with only one of the original passages, from which he may form a tolerable judgement of the rest:

Kad alama e'ddhaifo wa'l mojtéduno
Idha aghbara ofkon wahabbat shemalan,
Wakhalat an auladiha elmordbiato,
Wa lam tar ainon lemoznin belalan,
Beenca conto 'errabio el moghitbo
Leman yatarica, waconto themalan,
Waconto' nebara behi shemsobo,
Waconto dagiyyi' lleili fih belalan.

that is; * *the stranger and the pilgrim well know, when the sky is dark, and the north-wind rages, when the mothers leave their sucking infants, when no moisture can be seen in the clouds, that thou art bountiful to them as the spring, that thou art their chief support, that thou art a sun to them by day, and a moon in the cloudy night.*

The hint of the next poem, or *The Palace of Fortune*, was taken from an *Indian* tale, translated a few years ago from the *Persian* by a very ingenious gentleman in the service of the *India-Company*; but I have added several descriptions, and episodes from other *Eastern* writers, have given a different moral to the whole piece, and have made some other alterations in it, which may be seen by any one, who will take the pains to compare it with the story of *Roshana*, in the second volume of the tales of *Inatulla*.

* See this passage versified, *Solima*, line 71. &c.

I have

I have taken a still greater liberty with the moral allegory, which, in imitation of the *Persian* poet *Nezâmi*, I have entitled *The Seven Fountains*; the general subject of it was borrowed from a story in a collection of tales by *Ebn Arabshah*, a native of *Damascus*, who flourished in the fifteenth century, and wrote several other works in a very polished style, the most celebrated of which is *An history of the life of Tamerlane*: but I have ingrafted upon the principal allegory an episode from the *Arabian tales* of * *a thousand and one nights*, a copy of which work in *Arabick* was procured for me by a learned friend at *Aleppo*.

The song, which follows, was first printed at the end of a *Persian* grammar; but, for the satisfaction of those who may have any doubt of its being genuine, it seemed proper to set down the original of it in *Roman* characters at the bottom of the page. The ode of *Petrarch* was added, that the reader might compare the manner of the *Asiatick* poets with that of the *Italians*, many of whom have written in the true spirit of the *Easterns*: some of the *Persian* songs have a striking resemblance to the sonnets of *Petrarch*; and even the form of those little amatory poems was, I believe, brought into *Europe* by the *Arabians*: one would almost imagine the following lines to be translated from the *Persian*,

Aura, che quelle chiome bionde e crespe
Circondi, e movi, e sè' mossa da loro
Soavemente, e spargi quel dolce oro,
E poi 'l raccogli, e'n bei nodi l'increspe.

since there is scarce a page in the works of *Hafez* and *Jami*, in which the same image, of *the breeze playing with the tresses of a beautiful girl*, is not agreeably and variously expressed.

* See the story of Prince *Agib*, or the *third Calandar* in the *Arabian tales*, Night 57. &c.

The elegy on the death of *Laura* was inserted with the same view of forming a comparison between the *Oriental* and the *Italian* poetry: the description of the fountain of *Valchiusa*, or *Vallis Clausa*, which was close to *Petrarch's* house, was added to the elegy in the year 1769, and was composed on the very spot, which I could not forbear visiting, when I passed by *Avignon*.

The *Turkish* Ode on the Spring was selected from many others in the same language, written by *Mesîhi*, a poet of great repute at *Constantinople*, who lived in the reign of *Soliman the Second*, or the *Lawgiver*: it is not unlike the *Vigil of Venus*, which has been ascribed to *Catullus*; the measure of it is nearly the same with that of the *Latin* poem; and it has, like that, a lively burden at the end of every stanza: the works of *Mesîhi* are preserved in the archives of the *Royal Society*.

It will be needless, I hope, to apologize for the *Pastoral*, and the poem upon *Chefs*, which were done as early as at the age of sixteen or seventeen years, and were saved from the fire, in preference to a great many others, because they seemed more correctly versified than the rest.

It must not be supposed, from my zeal for the literature of *Asia*, that I mean to place it in competition with the beautiful productions of the *Greeks* and *Romans*; for I am convinced, that, whatever changes we make in our opinions, we always return to the writings of the ancients, as to the standard of true taste.

If the novelty of the following poems should recommend them to the favour of the reader, it may, probably, be agreeable to him to know, that there are many others of equal or superior merit, which have never appeared in any language of *Europe*; and I am persuaded that a writer, acquainted with the originals, might imitate them very happily

happily in his native tongue, and that the publick would not be displeased to see the genuine compositions of *Arabia* and *Persia* in an *English* dress. The heroic poem of *Ferdusi* might be versified as easily as the *Iliad*, and I see no reason why *the delivery of Persia by Cyrus* should not be a subject as interesting to us, as *the anger of Achilles*, or *the wandering of Ulysses*. The Odes of *Hafez*, and of *Mesiki*, would suit our lyrick measures as well as those ascribed to *Anacreon*; and the seven *Arabick* elegies, that were hung up in the temple of *Mecca*, and of which there are several fine copies at *Oxford*, would, no doubt, be highly acceptable to the lovers of antiquity, and the admirers of native genius: but when I propose a translation of these *Oriental* pieces, as a work likely to meet with success, I only mean to invite my readers, who have leisure and industry, to the study of the languages, in which they are written, and am very far from insinuating that I have the remotest design of performing any part of the task myself; for, to say the truth, I should not have suffered even the following trifles to see the light, if I were not very desirous of recommending to the learned world a species of literature, which abounds with so many new expressions, new images, and new inventions.

SOLIMA,

SOLIMA,

AN ARABIAN ECLOGUE,

WRITTEN IN THE YEAR 1768.

YE maids of Aden, hear a loftier tale
Than e'er was sung in meadow, bower, or dale.
The smiles of Abelah, and Maia's eyes,
Where beauty plays, and love in slumber lies;
The fragrant hyacinths of Azza's hair,
That wanton with the laughing summer-air;
Love-tinctur'd cheeks, whence roses seek their bloom,
And lips, from which the Zephyr steals perfume;
Invite no more the wild, unpolish'd lay,
But fly like dreams before the morning ray.
Then farewell, love! and farewell, youthful fires!
A nobler warmth my kindled breast inspires.
Far bolder notes the listening wood shall fill:
Flow smooth, ye rivulets; and, ye gales, be still.

See yon fair groves that o'er Amana rise,
And with their spicy breath embalm the skies;
Where every breeze sheds incense o'er the vales,
And every shrub the scent of musk exhales!
See through yon opening glade a glittering scene,
Lawns ever gay, and meadows ever green!

Then

Then ask the groves, and ask the vocal bowers,
 Who deck'd their spiry tops with blooming flowers,
 Taught the blue stream o'er sandy vales to flow,
 And the brown wild with liveliest hues to glow?
 * Fair Solima! the hills and dales will sing;
 Fair Solima! the distant echoes ring.
 But not with idle shows of vain delight,
 To charm the soul, or to beguile the fight;
 At noon on banks of pleasure to repose,
 Where bloom intwin'd the lily, pink, and rose;
 Not in proud piles to heap the nightly feast,
 Till morn with pearls has deck'd the glowing east;—
 Ah! not for this she taught those bowers to rise,
 And bade all Eden spring before our eyes:
 Far other thoughts her heavenly mind employ,
 (Hence, empty pride! and hence, delusive joy!)
 To cheer with sweet repast the fainting guest;
 To lull the weary on the couch of rest;
 To warm the traveller numb'd with winter's cold;
 The young to cherish, to support the old;
 The sad to comfort, and the weak protect;
 The poor to shelter, and the lost direct:—
 These are her cares, and this her glorious task;
 Can heaven a nobler give, or mortals ask?

Come to these groves, and these life-breathing glades,
 Ye friendless orphans, and ye dowerless maids!
 With eager haste your mournful mansions leave,
 Ye weak, that tremble; and, ye sick, that grieve;

* It was not easy in this part of the translation to avoid a turn similar to that of Pope in the known description of the Man of Ross.

Here shall soft tents, o'er flowery lawns display'd,
 At night defend you, and at noon o'ershade;
 Here rosy health the sweets of life will shower,
 And new delights beguile each varied hour.
 Mourns there a widow, bath'd in streaming tears?
 Stoops there a fire beneath the weight of years?
 Weeps there a maid, in pining sadness left,
 Of tender parents, and of hope, bereft?
 To Solima their sorrows they bewail;
 To Solima they pour their plaintive tale.
 She hears; and, radiant as the star of day,
 Through the thick forest gains her easy way:
 She asks what cares the joyless train oppress,
 What sickness wastes them, or what wants distress;
 And, as they mourn, she steals a tender sigh,
 Whilst all her soul sits melting in her eye:
 Then with a smile the healing balm bestows,
 And sheds a tear of pity o'er their woes,
 Which, as it drops, some soft-eyed angel bears
 Transform'd to pearl, and in his bosom wears.

When, chill'd with fear, the trembling pilgrim roves
 Through pathless deserts, and through tangled groves,
 Where mantling darkness spreads her dragon wing,
 And birds of death their fatal dirges sing,
 While vapours pale a dreadful glimmering cast,
 And thrilling horror howls in every blast;
 She cheers his gloom with streams of bursting light,
 By day a sun, a beaming moon by night;
 Darts through the quivering shades her heavenly ray,
 And spreads with rising flowers his solitary way.

Ye

Ye heavens, for this in showers of sweetness shed
 Your mildest influence o'er her favour'd head!
 Long may her name, which distant climes shall praise,
 Live in our notes, and blossom in our lays!
 And, like an odorous plant, whose blushing flower
 Paints every dale, and sweetens every bower,
 Borne to the skies in clouds of soft perfume
 For ever flourish, and for ever bloom!
 These grateful songs, ye maids and youths, renew,
 While fresh-blown violets drink the pearly dew;
 O'er Azib's banks while love-lorn damsels rove,
 And gales of fragrance breathe from Hager's grove.

So sung the youth, whose sweetly-warbled strains
 Fair Mena heard, and Saba's spicy plains.
 Sooth'd with his lay, the ravish'd air was calm,
 The winds scarce whisper'd o'er the waving palm;
 The camels bounded o'er the flowery lawn,
 Like the swift ostrich, or the sportful fawn;
 Their filken bands the listening rose-buds rent,
 And twin'd their blossoms round his vocal tent:
 He sung, till on the bank the moonlight slept,
 And closing flowers beneath the night-dew wept;
 Then ceas'd, and slumber'd in the lap of rest
 Till the shrill lark had left his low-built nest.
 Now hastes the swain to tune his rapturous tales
 In other meadows, and in other vales.

THE
PALACE OF FORTUNE,

AN INDIAN TALE.

WRITTEN IN THE YEAR 1769.

MILD was the vernal gale, and calm the day,
When Maia near a crystal fountain lay,
Young Maia, fairest of the blue-eyed maids,
That rov'd at noon in Tibet's musky shades;
But, haply, wandering through the fields of air,
Some fiend had whisper'd—Maia, thou art fair!
Hence swelling pride had fill'd her simple breast,
And rising passions robb'd her mind of rest;
In courts and glittering towers she wish'd to dwell,
And scorn'd her labouring parent's lowly cell.
And now, as gazing o'er the glassy stream,
She saw her blooming cheek's reflected beam,
Her tresses brighter than the morning sky,
And the mild radiance of her sparkling eye,
Low sighs and trickling tears by turns she stole,
And thus discharg'd the anguish of her soul:
“ Why glow those cheeks, if unadmir'd they glow?
“ Why flow those tresses, if unprais'd they flow?
“ Why dart those eyes their liquid ray serene,
“ Unfelt their influence, and their light unseen?

“ Ye

" Ye heavens! was that love-breathing bosom made
 " To warm dull groves, and cheer the lonely glade?
 " Ah, no: those blushes, that enchanting face,
 " Some tap'stried hall, or gilded bower, might grace;
 " Might deck the scenes, where love and pleasure reign,
 " And fire with amorous flames the youthful train."

While thus she spoke, a sudden blaze of light
 Shot through the clouds, and struck her dazzled sight.
 She rais'd her head, astonish'd, to the skies,
 And veil'd with trembling hands her aching eyes;
 When through the yielding air she saw from far
 A goddess gliding in a golden car,
 That soon descended on the flowery lawn,
 By two fair yokes of starry peacocks drawn:
 A thousand nymphs with many a sprightly glance
 Form'd round the radiant wheels an airy dance,
 Celestial shapes! in fluid light array'd;
 Like twinkling stars their beamy sandals play'd;
 Their lucid mantles glitter'd in the sun,
 (Webs half so bright the silkworm never spun)
 Transparent robes, that bore the rainbow's hue,
 And finer than the nets of pearly dew
 That morning spreads o'er every opening flower,
 When sportive summer decks his bridal bower.

The queen herself, too fair for mortal sight,
 Sat in the centre of encircling light.
 Soon with soft touch she rais'd the trembling maid,
 And by her side in silent slumber laid:

Straight

Straight the gay birds display'd their spangled train,
 And flew refulgent through th' aerial plain;
 The fairy band their shining pinions spread,
 And, as they rose, fresh gales of sweetness shed;
 Fann'd with their flowing skirts, the sky was mild;
 And heaven's blue fields with brighter radiance smil'd.

Now in a garden deck'd with verdant bowers
 The glittering car descends on bending flowers:
 The goddess still with looks divinely fair
 Surveys the sleeping object of her care;
 Then o'er her cheek her magick finger lays,
 Soft as the gale that o'er a violet plays,
 And thus in sounds, that favour'd mortals hear,
 She gently whispers in her ravish'd ear:

“Awake, sweet maid, and view this charming scene
 “For ever beauteous, and for ever green;
 “Here living rills of purest nectar flow
 “O'er meads that with unfading flowerets glow;
 “Here amorous gales their scented wings display,
 “Mov'd by the breath of ever-blooming May;
 “Here in the lap of pleasure shalt thou rest,
 “Our lov'd companion, and our honour'd guest.”

The damsel hears the heavenly notes distil,
 Like melting snow, or like a vernal rill.
 She lifts her head, and, on her arm reclin'd,
 Drinks the sweet accents in her grateful mind:
 On all around she turns her roving eyes,
 And views the splendid scene with glad surprize;

Fresh

Fresh lawns, and funny banks, and roseate bowers,
 Hills white with flocks, and meadows gemm'd with flowers;
 Cool shades, a sure defence from summer's ray,
 And silver brooks, where wanton damsels play,
 Which with soft notes their dimpled crystal roll'd
 O'er colour'd shells and sands of native gold;
 A rising fountain play'd from every stream,
 Smil'd as it rose, and cast a transient gleam,
 Then, gently falling in a vocal shower,
 Bath'd every shrub, and sprinkled every flower,
 That on the banks, like many a lovely bride,
 View'd in the liquid glass their blushing pride;
 Whilst on each branch, with purple blossoms hung,
 The sportful birds their joyous descant sung.

While Maia, thus entranc'd in sweet delight,
 With each gay object fed her eager sight,
 The goddess mildly caught her willing hand,
 And led her trembling o'er the flowery land,
 Soon she beheld, where through an opening glade
 A spacious lake its clear expanse display'd;
 In mazy curls the flowing jasper wav'd
 O'er its smooth bed with polish'd agate pav'd;
 And on a rock of ice, by magick rais'd,
 High in the midst a gorgeous palace blaz'd;
 The sunbeams on the gilded portals glanc'd,
 Play'd on the spires, and on the turrets danc'd;
 To four bright gates four ivory bridges led,
 With pearls illumin'd, and with roses spread:
 And now, more radiant than the morning sun,
 Her easy way the gliding goddess won;

Still

Still by her hand she held the fearful maid,
 And, as she pass'd, the fairies homage paid :
 They enter'd straight the sumptuous palace-hall,
 Where filken tapestry emblaz'd the wall,
 Refulgent tissue, of an heavenly woof;
 And gems unnumber'd sparkled on the roof,
 On whose blue arch the flaming diamonds play'd,
 As on a sky with living stars inlay'd;
 Of precious diadems a regal store,
 With globes and sceptres, strew'd the porphyry floor;
 Rich vests of eastern kings around were spread,
 And glittering zones a starry lustre shed:
 But Maia most admir'd the pearly strings,
 Gay bracelets, golden chains, and sparkling rings.

High in the centre of the palace shone,
 Suspended in mid-air, an opal throne:
 To this the queen ascends with royal pride,
 And sets the favour'd damsel by her side.
 Around the throne in mystick order stand
 The fairy train, and wait her high command;
 When thus she speaks: (the maid attentive sips
 Each word that flows, like nectar, from her lips.)

“ Favourite of heaven, my much-lov'd Maia, know,
 “ From me all joys, all earthly blessings, flow :
 “ Me suppliant men imperial Fortune call,
 “ The mighty empress of yon rolling ball :
 (She rais'd her finger, and the wondering maid
 At distance hung the dusky globe survey'd,

Saw

Saw the round earth with foaming oceans vein'd,
 And labouring clouds on mountain-tops sustain'd.)
 " To me has fate the pleasing task assign'd
 " To rule the various thoughts of humankind;
 " To catch each rising wish, each ardent prayer,
 " And some to grant, and some to waste in air.
 " Know farther; as I rang'd the crystal sky,
 " I saw thee near the murmuring fountain lie;
 " Mark'd the rough storm that gather'd in thy breast,
 " And knew what care thy joyless soul oppress'd.
 " Straight I resolved to bring thee quick relief,
 " Ease every weight, and soften every grief;
 " If in this court contented thou canst live,
 " And taste the joys these happy gardens give:
 " But fill thy mind with vain desires no more,
 " And view without a wish yon shining store:
 " Soon shall a numerous train before me bend,
 " And kneeling votaries my shrine attend;
 " Warn'd by their empty vanities beware,
 " And scorn the folly of each human prayer."

She said; and straight a damsel of her train
 With tender fingers touch'd a golden chain.
 Now a soft bell delighted Maia hears,
 That sweetly trembles on her listening ears;
 Through the calm air the melting numbers float,
 And wanton echo lengthens every note.
 Soon through the dome a mingled hum arose,
 Like the swift stream that o'er a valley flows;
 Now louder still it grew, and still more loud,
 As distant thunder breaks the bursting cloud:

Through

Through the four portals rush'd a various throng,
 That like a wintry torrent pour'd along :
 A croud of every tongue, and every hue,
 Toward the bright throne with eager rapture flew.
 * A lovely stripling stepp'd before the rest
 With hasty pace, and tow'rd the goddesses prest;
 His mien was graceful, and his looks were mild,
 And in his eye celestial sweetness smil'd :
 Youth's purple glow, and beauty's rosy beam,
 O'er his smooth cheeks diffus'd a lively gleam;
 The floating ringlets of his musky hair
 Wav'd on the bosom of the wanton air :
 With modest grace the goddesses he address'd,
 And thoughtless thus preferr'd his fond request.

“ Queen of the world, whose wide-extended sway,
 “ Gay youth, firm manhood, and cold age obey,
 “ Grant me, while life's fresh blooming roses smile,
 “ The day with varied pleasures to beguile;
 “ Let me on beds of dewy flowers recline,
 “ And quaff with glowing lips the sparkling wine;
 “ Grant me to feed on beauty's rifled charms,
 “ And clasp a willing damsel in my arms;
 “ Her bosom fairer than a hill of snow,
 “ And gently bounding like a playful roe;
 “ Her lips more fragrant than the summer air,
 “ And sweet as Scythian musk her hyacinthine hair;
 “ Let new delights each dancing hour employ,
 “ Sport follow sport, and joy succeed to joy.”

* Pleasure.

The

The goddess grants the simple youth's request,
And mildly thus accosts her lovely guest:
" On that smooth mirror, full of magick light,
" Awhile, dear Maia, fix thy wandering sight."
She looks; and in th' enchanted crystal sees
A bower o'er-canopied with tufted trees:
The wanton stripling lies beneath the shade,
And by his side reclines a blooming maid;
O'er her fair limbs a filken mantle flows,
Through which her youthful beauty softly glows,
And part conceal'd, and part disclos'd to fight,
Through the thin texture casts a ruddy light,
As the ripe clusters of the mantling vine
Beneath the verdant foliage faintly shine,
And, fearing to be view'd by envious day,
Their glowing tints unwillingly display.

The youth, while joy sits sparkling in his eyes,
Pants on her neck, and on her bosom dies;
From her smooth cheek nectareous dew he sips,
And all his soul comes breathing to his lips.
But Maia turns her modest eyes away,
And blushes to behold their amorous play.

She looks again, and sees with sad surprize
On the clear glass far different scenes arise:
The bower, which late outshone the rosy morn,
O'erhung with weeds she saw, and rough with thorn;
With stings of asps the leafless plants were wreath'd,
And curling adders gales of venom breath'd:

Low sat the stripling on the faded ground,
 And in a mournful knot his arms were bound;
 His eyes, that shot before a sunny beam,
 Now scarcely shed a saddening, dying gleam;
 Faint as a glimmering taper's wasted light,
 Or a dull ray that streaks the cloudy night:
 His crystal vase was on the pavement roll'd,
 And from the bank was fall'n his cup of gold;
 From which th' envenom'd dregs of deadly hue
 Flow'd on the ground in streams of baleful dew,
 And, slowly stealing through the wither'd bower,
 Poison'd each plant, and blasted every flower:
 Fled were his slaves, and fled his yielding fair,
 And each gay phantom was dissolv'd in air;
 Whilst in their place was left a ruthless train,
 Despair, and grief, remorse, and raging pain.

Aside the damsel turns her weeping eyes,
 And sad reflections in her bosom rise;
 To whom thus mildly speaks the radiant queen:
 "Take sage example from this moral scene;
 "See, how vain pleasures sting the lips they kiss,
 "How asps are hid beneath the bowers of bliss!
 "Whilst ever fair the flower of temperance blows,
 "Unchang'd her leaf, and without thorn her rose;
 "Smiling she darts her glittering branch on high,
 "And spreads her fragrant blossoms to the sky."

* Next tow'rd the throne she saw a knight advance;
 Erect he stood, and shook a quivering lance;

* Glory.

A fiery

A fiery dragon on his helmet shone ;
And on his buckler beam'd a golden sun ;
O'er his broad bosom blaz'd his jointed mail
With many a gem, and many a shining scale ;
He trod the founding floor with princely mien,
And thus with haughty words address'd the queen :
" Let falling kings beneath my javelin bleed,
" And bind my temples with a victor's meed ;
" Let every realm that feels the solar ray,
" Shrink at my frown, and own my regal sway :
" Let Ind's rich banks declare my deathless fame,
" And trembling Ganges dread my potent name."

The queen consented to the warrior's pray'r,
And his bright banners floated in the air :
He bade his darts and steely tempests fly,
Flames burst the clouds, and thunder shake the sky ;
Death aim'd his lance, earth trembled at his nod,
And crimson conquest glow'd where'er he trod.

And now the damsel, fix'd in deep amaze,
Th' enchanted glass with eager look surveys :
She sees the hero in his dusky tent,
His guards retir'd, his glimmering taper spent ;
His spear, vain instrument of dying praise,
On the rich floor with idle state he lays ;
His gory falchion near his pillow stood,
And stain'd the ground with drops of purple blood ;
A busy page his nodding helm unlac'd,
And on the couch his scaly hauberk plac'd.

Now

Now on the bed his weary limbs he throws,
 Bath'd in the balmly dew of soft repose :
 In dreams he rushes o'er the gloomy field,
 He sees new armies fly, new heroes yield ;
 Warm with the vigorous conflict he appears,
 And ev'n in slumber seems to move the spheres.
 But lo ! the faithless page, with stealing tread,
 Advances to the champion's naked head ;
 With his sharp dagger wounds his bleeding breast,
 And steeps his eyelids in eternal rest :
 Then cries (and waves the steel that drops with gore),
 " The tyrant dies ; oppression is no more."

* Now came an aged sire with trembling pace ;
 Sunk were his eyes, and pale his ghastly face ;
 A ragged weed of dusky hue he wore,
 And on his back a ponderous coffer bore.
 The queen with faltering speech he thus address'd :
 " O, fill with gold thy true adorer's chest !"

" Behold, said she, and wav'd her powerful hand,
 " Where yon rich hills in glittering order stand :
 " There load thy coffer with the golden store ;
 " Then bear it full away, and ask no more."

With eager steps he took his hasty way,
 Where the bright coin in heaps unnumber'd lay ;
 There hung enamour'd o'er the gleaming spoil,
 Scoop'd the gay drofs, and bent beneath the toil.

* Riches.

But

But bitter was his anguish, to behold
The coffer widen, and its fides unfold :
And every time he heap'd the darling ore,
His greedy chest grew larger than before ;
Till, spent with pain, and falling o'er his hoard,
With his sharp steel his maddening breast he gor'd :
On the lov'd heap he cast his closing eye,
Contented on a golden couch to die.

A stripling, with the fair adventure pleas'd,
Stepp'd forward, and the massy coffer seiz'd ;
But with surprize he saw the stores decay,
And all the long-fought treasures melt away :
In winding streams the liquid metal roll'd,
And through the palace ran a flood of gold.

* Next to the shrine advanc'd a reverend sage,
Whose beard was hoary with the frost of age ;
His few gray locks a sable fillet bound,
And his dark mantle flow'd along the ground :
Grave was his port, yet show'd a bold neglect,
And fill'd the young beholder with respect ;
Time's envious hand had plough'd his wrinkled face,
Yet on those wrinkles sat superiour grace ;
Still full of fire appear'd his vivid eye,
Darted quick beams, and seem'd to pierce the sky.
At length, with gentle voice and look serene,
He wav'd his hand, and thus address'd the queen :

* Knowledge.

“ Twice

“ Twice forty winters tip my beard with snow,
“ And age’s chilling gusts around me blow :
“ In early youth, by contemplation led,
“ With high pursuits my flatter’d thoughts were fed ;
“ To nature first my labours were confin’d,
“ And all her charms were open’d to my mind,
“ Each flower that glisten’d in the morning dew,
“ And every shrub that in the forest grew :
“ From earth to heaven I cast my wondering eyes,
“ Saw suns unnumber’d sparkle in the skies,
“ Mark’d the just progress of each rolling sphere,
“ Describ’d the seasons, and reform’d the year.
“ At length sublimer studies I began,
“ And fix’d my level’d telescope on man ;
“ Knew all his powers, and all his passions trac’d,
“ What virtue rais’d him, and what vice debas’d :
“ But when I saw his knowledge so confin’d,
“ So vain his wishes, and so weak his mind,
“ His soul, a bright obscurity at best,
“ And rough with tempests his afflicted breast,
“ His life, a flower, ere evening sure to fade,
“ His highest joys, the shadow of a shade ;
“ To thy fair court I took my weary way,
“ Bewail my folly, and heaven’s laws obey,
“ Confess my feeble mind for prayers unfit,
“ And to my Maker’s will my soul submit :
“ Great empress of yon orb that rolls below,
“ On me the last best gift of heaven bestow.”

He spoke : a sudden cloud his senses stole,
And thickening darkness swam o’er all his soul ;

His

His vital spark her earthly cell forsook,
And into air her fleeting progress took.

Now from the throng a deafening sound was heard,
And all at once their various prayers preferr'd ;
The goddess, wearied with the noisy croud,
Thrice wav'd her silver wand, and spoke aloud :
“ Our ears no more with vain petitions tire,
“ But take unheard whate'er you first desire.”
She said : each wish'd, and what he wish'd obtain'd ;
And wild confusion in the palace reign'd.

But Maia, now grown senseless with delight,
Cast on an emerald ring her roving sight ;
And, ere she could survey the rest with care,
Wish'd on her hand the precious gem to wear.

Sudden the palace vanish'd from her sight,
And the gay fabrick melted into night ;
But, in its place, she view'd with weeping eyes
Huge rocks around her, and sharp cliffs arise :
She sat deserted on the naked shore,
Saw the curl'd waves, and heard the tempest roar ;
Whilst on her finger shone the fatal ring,
A weak defence from hunger's pointed sting,
From sad remorse, from comfortless despair,
And all the painful family of care !
Frantick with grief her rosy cheek she tore,
And rent her locks, her darling charge no more :
But when the night his raven wing had spread,
And hung with fable every mountain's head,

Her

Her tender limbs were numb'd with biting cold,
 And round her feet the curling billows roll'd ;
 With trembling arms a rifted crag she grasp'd,
 And the rough rock with hard embraces clasp'd.

While thus she stood, and made a piercing moan,
 By chance her emerald touch'd the rugged stone ;
 That moment gleam'd from heaven a golden ray,
 And taught the gloom to counterfeit the day :
 A winged youth, for mortal eyes too fair,
 Shot like a meteor through the dusky air ;
 His heavenly charms o'ercame her dazzled sight,
 And drown'd her senses in a flood of light ;
 His sunny plumes descending he display'd,
 And softly thus address'd the mournful maid :

“ Say, thou, who dost yon wondrous ring possess,
 “ What cares disturb thee, or what wants oppress ;
 “ To faithful ears disclose thy secret grief,
 “ And hope (so heaven ordains) a quick relief.”

The maid replied, “ Ah, sacred genius, bear
 “ A hopeless damsel from this land of care ;
 “ Waft me to softer climes and lovelier plains,
 “ Where nature smiles, and spring eternal reigns.”

She spoke ; and swifter than the glance of thought
 To a fair isle his sleeping charge he brought.

Now morning breath'd : the scented air was mild,
 Each meadow blossom'd, and each valley smil'd ;

On

On every shrub the pearly dewdrops hung,
 On every branch a feather'd warbler sung;
 The cheerful spring her flowery chaplets wove,
 And incense-breathing gales perfum'd the grove.

The damsel rose; and, lost in glad surprize,
 Cast round the gay expanse her opening eyes,
 That shone with pleasure like a starry beam,
 Or moonlight sparkling on a silver stream.
 She thought some nymph must haunt that lovely scene,
 Some woodland goddess, or some fairy queen;
 At least she hop'd in some sequester'd vale
 To hear the shepherd tell his amorous tale:
 Led by these flattering hopes from glade to glade,
 From lawn to lawn with hasty steps she stray'd;
 But not a nymph by stream or fountain stood,
 And not a fairy glided through the wood;
 No damsel wanton'd o'er the dewy flowers,
 No shepherd sung beneath the rosy bowers:
 On every side she saw vast mountains rise,
 That thrust their daring foreheads in the skies;
 The rocks of polish'd alabaster seem'd,
 And in the sun their lofty summits gleam'd.
 She call'd aloud, but not a voice replied,
 Save echo babling from the mountain's side.

By this had night o'ercast the gloomy scene,
 And twinkling stars emblaz'd the blue serene,
 Yet on she wander'd till with grief oppress'd
 She fell; and, falling, smote her snowy breast:

Now to the heavens her guilty head she rears,
 And pours her bursting sorrow into tears ;
 Then plaintive speaks, " Ah ! fond mistaken maid,
 " How was thy mind by gilded hopes betray'd !
 " Why didst thou wish for bowers and flowery hills,
 " For smiling meadows, and for purling rills ;
 " Since on those hills no youth or damsel roves,
 " No shepherd haunts the solitary groves ?
 " Ye meads that glow with intermingled dyes,
 " Ye flowering palms that from yon hillocks rise,
 " Ye quivering brooks that softly murmur by,
 " Ye panting gales that on the branches die ;
 " Ah ! why has Nature through her gay domain
 " Display'd your beauties, yet display'd in vain ?
 " In vain, ye flowers, you boast your vernal bloom,
 " And waste in barren air your fresh perfume.
 " Ah ! leave, ye wanton birds, yon lonely spray ;
 " Unheard you warble, and unseen you play :
 " Yet stay till fate has fix'd my early doom,
 " And strow with leaves a hapless damsel's tomb.
 " Some grot or grassy bank shall be my bier,
 " My maiden herse unwater'd with a tear."

Thus while she mourns, o'erwhelm'd in deep despair,
 She rends her filken robes, and golden hair :
 Her fatal ring, the cause of all her woes,
 On a hard rock with maddening rage she throws ;
 The gem, rebounding from the stone, displays
 Its verdant hue, and sheds refreshing rays :
 Sudden descends the genius of the ring,
 And drops celestial fragrance from his wing ;

Then

Then speaks, "Who calls me from the realms of day?
"Ask, and I grant; command, and I obey."

She drank his melting words with ravish'd ears,
And stopp'd the gushing current of her tears;
Then kiss'd his skirts, that like a ruby glow'd,
And said, "O bear me to my fire's abode."

Straight o'er her eyes a shady veil arose,
And all her soul was lull'd in still repose.

By this with flowers the rosy-finger'd dawn
Had spread each dewy hill and verdurous lawn;
She wak'd, and saw a new-built tomb that stood
In the dark bosom of a solemn wood,
While these sad sounds her trembling ears invade:
"Beneath yon marble sleeps thy father's shade."
She sigh'd, she wept; she struck her pensive breast,
And bade his urn in peaceful slumber rest.

And now in silence o'er the gloomy land
She saw advance a slowly-winding band;
Their cheeks were veil'd, their robes of mournful hue
Flow'd o'er the lawn, and swept the pearly dew;
O'er the fresh turf they sprinkled sweet perfume,
And strow'd with flowers the venerable tomb.
A graceful matron walk'd before the train,
And tun'd in notes of wo the funeral strain:
When from her face her filken veil she drew,
The watchful maid her aged mother knew.

O'erpowered

O'erpowered with bursting joy she runs to meet
 The mourning dame, and falls before her feet.
 The matron with surprize her daughter rears,
 Hangs on her neck, and mingles tears with tears.
 Now o'er the tomb their hallow'd rites they pay,
 And form with lamps an artificial day ;
 Erelong the damsel reach'd her native vale,
 And told with joyful heart her moral tale ;
 Resign'd to heaven, and lost to all beside,
 She liv'd contented, and contented died.

THE
SEVEN FOUNTAINS,

AN EASTERN ALLEGORY.

WRITTEN IN THE YEAR 1767.

DECK'D with fresh garlands, like a rural bride,
And with the crimson streamer's waving pride,
A wanton bark was floating o'er the main,
And seem'd with scorn to view the azure plain:
Smooth were the waves; and scarce a whispering gale
Fann'd with his gentle plumes the filken sail.
High on the burnish'd deck, a gilded throne
With orient pearls and beaming diamonds shone;
On which reclin'd a youth of graceful mien,
His sandals purple, and his mantle green;
His locks in ringlets o'er his shoulders roll'd,
And on his cheek appear'd the downy gold.
Around him stood a train of smiling boys,
Sporting with idle cheer and mirthful toys;
* Ten comely striplings, girt with spangled wings,
Blew piercing flutes, or touch'd the quivering strings;
Ten more, in cadence to the sprightly strain,
Wak'd with their golden oars the slumbering main:
The waters yielded to their guiltless blows,
And the green billows sparkled as they rose.

* The follies of youth.

Long time the barge had danc'd along the deep,
 And on its glassy bosom seem'd to sleep;
 * But now a glittering isle arose in view,
 Bounded with hillocks of a verdant hue :
 Fresh groves and roseate bowers appear'd above
 (Fit haunts, be sure, of pleasure and of love),
 And higher still a thousand blazing spires
 Seem'd with gilt tops to threat the heavenly fires.
 Now each fair stripling plied his labouring oar,
 And straight the pinnace struck the sandy shore.
 The youth arose, and, leaping on the strand,
 Took his lone way along the silver sand;
 While the light bark, and all the airy crew,
 Sunk like a mist beneath the briny dew.

With eager steps the young adventurer stray'd
 Through many a grove, and many a winding glade:
 At length he heard the chime of tuneful strings,
 That sweetly floated on the Zephyr's wings;
 † And soon a band of damsels blithe and fair,
 With flowing mantles and dishevel'd hair,
 Rush'd with quick pace along the solemn wood,
 Where rapt in wonder and delight he stood :
 In loose transparent robes they were array'd,
 Which half their beauties hid, and half display'd.

A lovely nymph approach'd him with a smile,
 And said, " O, welcome to this blissful isle !

* The world.

† The follies and vanities of the world.

“ For thou art he, whom ancient bards foretold,
“ Doom’d in our clime to bring an age of gold :
“ Hail, sacred king ! and from thy subject’s hand,
“ Accept the robes and sceptre of the land.”

“ Sweet maid, said he, fair learning’s heavenly beam
“ O’er my young mind ne’er shed her favouring gleam ;
“ Nor has my arm e’er hurl’d the fatal lance,
“ While desperate legions o’er the plain advance.
“ How should a simple youth, unfit to bear
“ The steely mail, that splendid mantle wear !”
“ Ah ! said the damsel, from this happy shore,
“ We banish wisdom, and her idle lore ;
“ No clarions here the strains of battle ring,
“ With notes of mirth our joyful valleys ring.
“ Peace to the brave ! o’er us the beauteous reign,
“ And ever-charming pleasures form our train.”

This said, a diadem, inlay’d with pearls,
She plac’d respectful on his golden curls ;
Another o’er his graceful shoulder threw
A filken mantle of the rose’s hue,
Which, clasp’d with studs of gold, behind him flow’d,
And through the folds his glowing bosom show’d.
Then in a car, by snow-white coursers drawn,
They led him o’er the dew-besprinkled lawn,
Through groves of joy and arbours of delight,
With all that could allure his ravish’d sight ;
Green hillocks, meads, and rosy grots, he view’d,
And verdurous plains with winding streams bedew’d.

On

On every bank, and under every shade,
 A thousand youths, a thousand damsels play'd;
 Some wantonly were tripping in a ring
 On the soft border of a gushing spring;
 While some, reclining in the shady vales,
 Told to their smiling loves their amorous tales:
 But when the sportful train beheld from far
 The nymphs returning with the stately car,
 O'er the smooth plain with hasty steps they came,
 And hail'd their youthful king with loud acclaim;
 With flowers of every tint the paths they strow'd,
 And cast their chaplets on the hallow'd road.

At last they reach'd the bosom of a wood,
 Where on a hill a radiant palace stood;
 A sumptuous dome, by hands immortal made,
 Which on its walls and on its gates display'd
 The gems that in the rocks of Tibet glow,
 The pearls that in the shells of Ormus grow.
 And now a numerous train advance to meet
 The youth, descending from his regal seat;
 Whom to a rich and spacious hall they led,
 With filken carpets delicately spread:
 There on a throne, with gems unnumber'd grac'd,
 Their lovely king six blooming damsels plac'd*,
 And, meekly kneeling, to his modest hand
 They gave the glittering sceptre of command;
 Then on six smaller thrones they sat reclin'd,
 And watch'd the rising transports of his mind:

* The pleasures of the senses.

When

When thus the youth a blushing nymph address'd,
And, as he spoke, her hand with rapture press'd:

" Say, gentle damsel, may I ask unblam'd,
" How this gay isle, and splendid seats are nam'd?
" And you, fair queens of beauty and of grace,
" Are you of earthly or celestial race?
" To me the world's bright treasures were unknown,
" Where late I wander'd, pensive and alone;
" And, slowly winding on my native shore,
" Saw the vast ocean roll, but saw no more;
" Till from the waves with many a charming song,
" A barge arose, and gayly mov'd along;
" The jolly rowers reach'd the yielding sands,
" Allur'd my steps, and wav'd their shining hands:
" I went, saluted by the vocal train,
" And the swift pinnacle cleav'd the waves again;
" When on this island struck the gilded prow,
" I landed full of joy: the rest you know.
" Short is the story of my tender years:
" Now speak, sweet nymph, and charm my listening ears."

" These are the groves, for ever deck'd with flowers,
" The maid replied, and these the fragrant bowers,
" Where Love and Pleasure hold their airy court,
" The seat of bliss, of sprightliness, and sport;
" And we, dear youth, are nymphs of heavenly line;
" Our souls immortal, as our forms divine:
" For Maia, fill'd with Zephyr's warm embrace,
" In caves and forests cover'd her disgrace;

" At last she rested on this peaceful shore,
 " Where in yon grot a lovely boy she bore,
 " Whom fresh and wild and frolick from his birth
 " She nurs'd in myrtle bowers, and call'd him Mirth.
 " He on a summer's morning chanc'd to rove
 " Through the green labyrinth of some shady grove,
 " Where, by a dimpled rivulet's verdant side,
 " A rising bank, with woodbine edg'd, he spied :
 " There, veil'd with flowerets of a thousand hues,
 " A nymph lay bath'd in slumber's balmy dews ;
 " (This maid by some, for some our race defame,
 " Was Folly call'd, but Pleasure was her name :)
 " Her mantle, like the sky in April, blue,
 " Hung on a blossom'd branch that near her grew ;
 " For, long disporting in the silver stream,
 " She shunn'd the blazing day-star's sultry beam ;
 " And, ere she could conceal her naked charms,
 " Sleep caught her trembling in his downy arms :
 " Borne on the wings of Love, he flew, and press'd
 " Her breathing bosom to his eager breast.
 " At his wild theft the rosy morning blush'd,
 " The rivulet smil'd, and all the woods were hush'd.
 " Of these fair parents on this blissful coast
 " (Parents like Mirth and Pleasure who can boast ?)
 " I with five sisters, on one happy morn,
 " All fair alike, behold us now, were born.
 " When they to brighter regions took their way,
 " By Love invited to the realms of day,
 " To us they gave this large, this gay domain,
 " And said, departing, Here let Beauty reign.
 " Then reign, fair prince, in thee all beauties shine,
 " And, ah ! we know thee of no mortal line."

She

She said ; the king with rapid ardour glow'd,
 And the swift poison through his bosom flow'd :
 But while she spoke he cast his eyes around
 To view the dazzling roof, and spangled ground ;
 Then, turning with amaze from side to side,
 Seven golden doors, that richly shone, he spied,
 And said, " Fair nymph (but let me not be bold),
 " What mean those doors that blaze with burnish'd gold ?"
 " To fix gay bowers, the maid replied, they lead,
 " Where Spring eternal crowns the glowing mead ;
 " Six fountains there, that glitter as they play,
 " Rise to the sun with many a colour'd ray."
 " But the seventh door, said he, what beauties grace ?"
 " O, 'tis a cave, a dark and joyless place,
 " A scene of nameless deeds, and magick spells,
 " Where day ne'er shines, and pleasure never dwells :
 " Think not of that. But come, my royal friend,
 " And see what joys thy favour'd steps attend."
 She spoke, and pointed to the nearest door :
 Swift he descends ; the damsel flies before ;
 She turns the lock ; it opens at command ;
 The maid and stripling enter hand in hand.

The wondering youth beheld an opening glade,
 Where in the midst a crystal fountain play'd * ;
 The silver sands, that on its bottom grew,
 Were strown with pearls and gems of varied hue ;
 The diamond sparkled like the star of day,
 And the soft topaz shed a golden ray ;

* Sight.

Clear amethysts combin'd their purple gleam
 With the mild emerald's sight-refreshing beam ;
 The sapphire smil'd like yon blue plain above,
 And rubies spread the blushing tint of love.
 " These are the waters of eternal light,
 " The damsel said, the stream of heavenly light ;
 " See, in this cup (she spoke, and stoop'd to fill
 " A vase of jasper with the sacred rill),
 " See, how the living waters bound and shine,
 " Which this well-polish'd gem can scarce confine !"
 From her soft hand the lucid urn he took,
 And quaff'd the nectar with a tender look :
 Straight from his eyes a cloud of darkness flew,
 And all the scene was open'd to his view ;
 Not all the groves, where ancient bards have told,
 Of vegetable gems, and blooming gold ;
 Not all the bowers which oft in flowery lays
 And solemn tales Arabian poets praise ;
 Though streams of honey flow'd through every mead,
 Though balm and amber dropp'd from every reed ;
 Held half the sweets that Nature's ample hand
 Had pour'd luxuriant o'er this wondrous land.
 All flowerets here their mingled rays diffuse,
 The rainbow's tints to these were vulgar hues ;
 All birds that in the stream their pinion dip,
 Or from the brink the liquid crystal sip,
 Or show their beauties to the sunny skies,
 Here wav'd their plumes that shone with varying dyes ;
 But chiefly he, that o'er the verdant plain
 Spreads the gay eyes which grace his spangled train ;

And

And he, who, proudly sailing, loves to show
 His mantling wings and neck of downy snow;
 Nor absent he, who learns the human sound,
 With wavy gold and moving emeralds crown'd;
 Whose head and breast with polish'd sapphires glow,
 And on whose wing the gems of Indus grow.
 The monarch view'd their beauties o'er and o'er,
 He was all eye, and look'd from every pore.
 But now the damsel calls him from his trance;
 And o'er the lawn delighted they advance:
 They pass the hall adorn'd with royal state,
 And enter now with joy the second gate *.

A soothing sound he heard (but tasted first
 The gushing stream that from the valley burst),
 And in the shade beheld a youthful quire
 That touch'd with flying hands the trembling lyre :
 Melodious notes, drawn out with magick art,
 Caught with sweet extasy his ravish'd heart ;
 An hundred nymphs their charming descants play'd,
 And melting voices died along the glade ;
 The tuneful stream that murmur'd as it rose,
 The birds that on the trees bewail'd their woes,
 The boughs, made vocal by the whispering gale,
 Join'd their soft strain, and warbled through the vale.
 The concert ends : and now the stripling hears
 A tender voice that strikes his wondering ears ;
 A beauteous bird, in our rude climes unknown,
 That on a leafy arbour sits alone,

* Hearing.

Strains

Strains his sweet throat, and waves his purple wings,
And thus in human accents softly sings :

“ Rife, lovely pair, a sweeter bower invites
“ Your eager steps, a bower of new delights;
“ Ah ! crop the flowers of pleasure while they blow,
“ Ere winter hides them in a veil of snow.
“ Youth, like a thin anemone, displays
“ His filken leaf, and in a morn decays.
“ See, gentle youth, a lily-bosom'd bride !
“ See, nymph, a blooming stripling by thy side !
“ Then haste, and bathe your souls in soft delights,
“ A sweeter bow'r your wandering steps invites.”

He ceas'd ; the slender branch, from which he flew,
Bent its fair head, and sprinkled pearly dew.
The damsel smil'd ; the blushing youth was pleas'd,
And by her willing hand his charmer seiz'd :
The lovely nymph, who sigh'd for sweeter joy,
To the third gate * conducts the amorous boy ;
She turns the key ; her cheeks like roses bloom,
And on the lock her fingers drop perfume.

His ravish'd sense a scene of pleasure meets,
A maze of joy, a paradise of sweets ;
But first his lips had touch'd th' alluring stream,
That through the grove display'd a silver gleam.
Through jasmine bowers, and violet-scented vales,
On filken pinions flew the wanton gales,

* Smell.

Arabian odours on the plants they left,
 And whisper'd to the woods their spicy theft;
 Beneath the shrubs, that spread a trembling shade,
 The musky roes, and fragrant civets, play'd.
 As when at eve an Eastern merchant roves
 From Hadramut to Aden's spikenard groves,
 Where some rich caravan not long before
 Has pass'd, with cassia freight, and balmy store,
 Charm'd with the scent that hills and vales diffuse,
 His grateful journey gayly he pursues;
 Thus pleas'd, the monarch fed his eager soul,
 And from each breeze a cloud of fragrance stole:
 Soon the fourth door * he pass'd with eager haste,
 And the fourth stream was nectar to his taste.

Before his eyes, on agate columns rear'd,
 On high a purple canopy appear'd;
 And under it in stately form was plac'd
 A table with a thousand vases grac'd;
 Laden with all the dainties that are found
 In air, in seas, or on the fruitful ground.
 Here the fair youth reclin'd with decent pride,
 His wanton nymph was seated by his side:
 All that could please the taste the happy pair
 Cull'd from the loaded board with curious care;
 O'er their enchanted heads a mantling vine
 His curling tendrils wove with amorous twine;
 From the green stalks the glowing clusters hung
 Like rubies on a thread of emeralds strung;

* Taste.

With

With these were other fruits of every hue,
 The pale, the red, the golden, and the blue.
 An hundred smiling pages stood around,
 Their shining brows with wreaths of myrtle bound :
 They, in transparent cups of agate, bore
 Of sweetly-sparkling wines a precious store ;
 The stripling sipp'd and revel'd, till the sun
 Down heaven's blue vault his daily course had run ;
 Then rose, and, follow'd by the gentle maid,
 Op'd the fifth door * : a stream before them play'd.

The king, impatient for the cooling draught,
 In a full cup the mystic nectar quaff'd ;
 Then with a smile (he knew no higher bliss)
 From her sweet lip he stole a balmy kiss :
 On the smooth bank of violets they reclin'd ;
 And, whilst a chaplet for his brow she twin'd,
 With his soft cheek her softer cheek he press'd,
 His pliant arms were folded round her breast.
 She smil'd, soft lightning darted from her eyes,
 And from his fragrant feat she bade him rise ;
 Then, while a brighter blush her face o'erspread,
 To the sixth gate † her willing guest she led.

The golden lock she softly turn'd around ;
 The moving hinges gave a pleasing sound :
 The boy delighted ran with eager haste,
 And to his lips the living fountain plac'd ;
 The magick water pierc'd his kindled brain,
 And a strange venom shot from vein to vein.

* Touch.

† The sensual pleasures united.

Whatever charms he saw in other bowers,
 Were here combin'd, fruits, musick, odours, flowers;
 A couch besides, with softest silk o'erlaid;
 And, sweeter still, a lovely yielding maid,
 Who now more charming seem'd, and not so coy,
 And in her arms infolds the blushing boy:
 They sport and wanton, till, with sleep oppress'd,
 Like two fresh rose-buds on one stalk, they rest.

When morning spread around her purple flame,
 To the sweet couch the five fair sisters came;
 They hail'd the bridegroom with a cheerful voice,
 And bade him make with speed a second choice.
 Hard task to choose, when all alike were fair!
 Now this, now that, engag'd his anxious care:
 Then to the first who spoke his hand he lent;
 The rest retir'd, and whisper'd as they went.
 The prince enamour'd view'd his second bride;
 They left the bower, and wander'd side by side,
 With her he charm'd his ears, with her his sight;
 With her he pass'd the day, with her the night.
 Thus all by turns the sprightly stranger led,
 And all by turns partook his nuptial bed;
 Hours, days, and months, in pleasure flow'd away;
 All laugh'd, all sweetly sung, and all were gay.

So had he wanton'd threescore days and seven,
 More blest, he thought, than any son of heaven:
 Till on a morn, with sighs and streaming tears,
 The train of nymphs before his bed appears;

And thus the youngest of the sisters speaks,
Whilst a sad shower runs trickling down her cheeks:

- “ A custom which we cannot, dare not fail
 “ (Such are the laws that in our isle prevail),
 “ Compels us, prince, to leave thee here alone,
 “ Till thrice the sun his rising front has shown:
 “ Our parents, whom, alas! we must obey,
 “ Expect us at a splendid feast to-day;
 “ What joy to us can all their splendour give?
 “ With thee, with only thee, we wish to live.
 “ Yet may we hope, these gardens will afford
 “ Some pleasing solace to our absent lord?
 “ Six golden keys, that ope yon blissful gates,
 “ Where joy, eternal joy, thy steps awaits,
 “ Accept: the seventh (but that you heard before)
 “ Leads to a cave, where ravening monsters roar;
 “ A fullen, dire, inhospitable cell,
 “ Where deathful spirits and magicians dwell.
 “ Farewel, dear youth; how will our bosoms burn
 “ For the sweet moment of our blest return!”

The king, who wept, yet knew his tears were vain,
Took the seven keys, and kiss'd the parting train.
A glittering car, which bounding courfers drew,
They mounted straight, and through the forest flew.

The youth, unknowing how to pass the day,
Review'd the bowers, and heard the fountains play;
By hands unseen whate'er he wish'd was brought;
And pleasures rose obedient to his thought.

Yet

Yet all the sweets, that ravish'd him before,
 Were tedious now, and charm'd his soul no more:
 Less lovely still, and still less gay they grew;
 He sigh'd, he wish'd, and long'd for something new:
 Back to the hall he turn'd his weary feet,
 And sat repining on his royal seat.

Now on the seventh bright gate he casts his eyes
 And in his bosom rose a bold surmise:

"The nymph, said he, was sure dispos'd to jest,

"Who talk'd of dungeons in a place so blest:

"What harm to open, if it be a cell

"Where deathful spirits and magicians dwell?

"If dark or foul, I need not pass the door;

"If new or strange, my soul desires no more."

He said, and rose; then took the golden keys,

And op'd the door: the hinges mov'd with ease.

Before his eyes appear'd a fullen gloom,

Thick, hideous, wild; a cavern, or a tomb.

Yet as he longer gaz'd, he saw afar

A light that sparkled like a shooting star.

He paus'd: at last, by some kind angel led,

He enter'd, and advanc'd with cautious tread.

Still as he walk'd, the light appear'd more clear;

Hope sooth'd him then, and scarcely left a fear.

At length an aged fire surpriz'd he saw,

Who fill'd his bosom with a sacred awe*:

A book he held, which, as reclin'd he lay,

He read, assist'd by a taper's ray;

His beard, more white than snow on winter's breast,
 Hung to the zone that bound his sable vest ;
 A pleasing calmness on his brow was seen,
 Mild was his look, majestic was his mien.
 Soon as the youth approach'd the reverend sage,
 He rais'd his head, and clos'd the serious page ;
 Then spoke : " O son, what chance has turn'd thy feet
 " To this dull solitude, and lone retreat ?"
 To whom the youth : " First, holy father, tell,
 " What force detains thee in this gloomy cell ?"
 " This isle, this palace, and those balmy bowers,
 " Where six sweet fountains fall on living flowers,
 " Are mine ; a train of damsels chose me king,
 " And through my kingdom smiles perpetual spring.
 " For some important cause to me unknown,
 " This day they left me joyless and alone ;
 " But, ere three morns with roses strow the skies,
 " My lovely brides will charm my longing eyes."

" Youth, said the sire, on this auspicious day
 " Some angel hither led thy erring way :
 " Hear a strange tale, and tremble at the snare,
 " Which for thy steps thy pleasing foes prepare.
 " Know, in this isle prevails a bloody law ;
 " Lift, stripling, lift ! (the youth stood fix'd with awe :)
 " * But seventy days the hapless monarchs reign,
 " Then close their lives in exile and in pain ;
 " Doom'd in a deep and frightful cave to rove,
 " Where darkness hovers o'er the iron grove."

* The life of man.

" Yet

" Yet know, thy prudence and thy timely care
 " May save thee, son, from this destructive snare.
 " * Not far from this a lovelier island lies,
 " Too rich, too splendid, for unhallow'd eyes :
 " On that blest shore a sweeter fountain flows
 " Than this vain clime, or this gay palace knows,
 " Which if thou taste, whate'er was sweet before
 " Will bitter seem, and steal thy soul no more.
 " But, ere these happy waters thou canst reach,
 " Thy weary steps must pass yon rugged beach,
 " † Where the dark sea with angry billows raves,
 " And, fraught with monsters, curls his howling waves ;
 " If to my words obedient thou attend,
 " Behold in me thy pilot and thy friend.
 " A bark I keep, supplied with plenteous store,
 " That now lies anchor'd on the rocky shore ;
 " And, when of all thy regal toys bereft,
 " In the rude cave an exile thou art left,
 " Myself will find thee on the gloomy lea,
 " And waft thee safely o'er the dangerous sea."

The boy was fill'd with wonder as he spake,
 And from a dream of folly seem'd to wake :
 All day the sage his tainted thoughts refin'd ;
 His reason brighten'd, and reform'd his mind :
 Through the dim cavern hand in hand they walk'd,
 And much of truth, and much of heaven, they talk'd.
 At night the stripling to the hall return'd ;
 With other fires his alter'd bosom burn'd.

* Heaven.

† Death.

O! to his wiser soul how low, how mean,
 Seem'd all he e'er had heard, had felt, had seen!
 He view'd the stars, he view'd the crystal skies,
 And blest'd the power all-good, all-great, all-wise;
 How lowly now appear'd the purple robe,
 The rubied sceptre, and the ivory globe!
 How dim the rays that gild the brittle earth!
 How vile the brood of Folly, and of Mirth!

When the third morning, clad in mantle gray,
 Brought in her rosy car the seventieth day,
 A band of slaves, who rush'd with furious sound,
 In chains of steel the willing captive bound;
 From his young head the diadem they tore,
 And cast his pearly bracelets on the floor;
 They rent his robe that bore the rose's hue,
 And o'er his breast a hairy mantle threw;
 Then dragg'd him to the damp and dreary cave,
 Drench'd by the gloomy sea's resounding wave.
 Meanwhile the voices of a numerous croud
 Pierc'd the dun air, as thunder breaks a cloud:
 The nymphs another hapless youth had found,
 And then were leading o'er the guilty ground:
 They hail'd him king (alas, how short his reign!)
 And with fresh chaplets strow'd the fatal plain.

The happy exile, monarch now no more,
 Was roving slowly o'er the lonely shore;
 At last the fire's expected voice he knew,
 And tow'rd the sound with hasty rapture flew,

The

The promis'd pinnace just afloat he found,
And the glad sage his fetter'd hands unbound;
But when he saw the foaming billows rave,
And dragons rolling o'er the fiery wave,
He stopp'd : his guardian caught his lingering hand,
And gently led him o'er the rocky strand ;
Soon as he touch'd the bark, the ocean smil'd,
The dragons vanish'd, and the waves were mild.

For many an hour with vigorous arms they row'd,
While not a star one friendly sparkle show'd;
At length a glimmering brightness they behold,
Like a thin cloud which morning dyes with gold :
To that they steer ; and now, rejoic'd, they view
A shore begirt with cliffs of radiant hue.
They land : a train, in shining mantles clad,
Hail their approach, and bid the youth be glad ;
They led him o'er the lea with easy pace,
And floated as they went with heavenly grace.
A golden fountain soon appear'd in sight,
That o'er the border cast a sunny light.

The sage, impatient, scoop'd the lucid wave
In a rich vase, which to the youth he gave ;
He drank : and straight a bright celestial beam
Before his eyes display'd a dazzling gleam ;
Myriads of airy shapes around him gaz'd ;
Some prais'd his wisdom, some his courage prais'd ;
Then o'er his limbs a starry robe they spread,
And plac'd a crown of diamonds on his head.

His

His aged guide was gone, and in his place
 Stood a fair cherub flush'd with rosy grace;
 Who, smiling, spake: "Here ever wilt thou rest,
 "Admir'd, belov'd, our brother and our guest;
 "So all shall end, whom vice can charm no more
 "With the gay follies of that perilous shore.
 "See yon immortal towers their gates unfold,
 "With rubies flaming, and no earthly gold!
 "There joys, before unknown, thy steps invite;
 "Bliss without care, and morn without a night.
 "But now farewell! my duty calls me hence;
 "Some injur'd mortal asks my just defence.
 "To yon pernicious island I repair,
 "Swift as a star." He speaks, and melts in air.

The youth o'er walks of jasper takes his flight;
 And bounds and blazes in eternal light.

A PERSIAN SONG

OF HAFIZ.

SWEET maid, if thou would'st charm my sight,
And bid these arms thy neck infold;
That rosy cheek, that lily hand,
Would give thy poet more delight
Than all Bocara's vaunted gold,
Than all the gems of Samarcand.

Boy, let yon liquid ruby flow,
And bid thy pensive heart be glad,
Whate'er the frowning zealots say:
Tell them, their Eden cannot show
A stream so clear as Rocnabad,
A bower so sweet as Mofellay.

GAZEL.

EGHER an Turki Shirazi

Bedest ared dili mara,
Be khali hinduishi bakhshem
Samarcand u Bokharara.

Bedeh, faki, mei baki,
Ke der jennet nekhahi yaft
Kunari abi Rocnabad,
Ve gulgeshti Mofellara.

O ! when these fair perfidious maids,
 Whose eyes our secret haunts infest,
 Their dear destructive charms display ;
 Each glance my tender breast invades,
 And robs my wounded soul of rest,
 As Tartars seize their destin'd prey.

In vain with love our bosoms glow :
 Can all our tears, can all our sighs,
 New lustre to those charms impart ?
 Can cheeks, where living roses blow,
 Where nature spreads her richest dyes,
 Require the borrow'd gloss of art ?

Speak not of fate :—ah ! change the theme,
 And talk of odours, talk of wine,
 Talk of the flowers that round us bloom :
 'Tis all a cloud, 'tis all a dream ;
 To love and joy thy thoughts confine,
 Nor hope to pierce the sacred gloom.

Fugan kein luliani shokh

I shiringari shehrashob

Chunan berdendi fabr az dil

Ke Turcan khani yagmara.

Ze eshki na temami ma

Jamali yari mustagnift ;

Be ab u reng u khal u khatt

Che hajet ruyi zibara.

Hadis az mutreb u mei gu,

Va razi dehri kemter ju,

Ke kes nekshud u nekshaied

Be hikmet ein moammara.

Beauty

Beauty has such resistless power,
 That even the chaste Egyptian dame
 Sigh'd for the blooming Hebrew boy;
 For her how fatal was the hour,
 When to the banks of Nilus came
 A youth so lovely and so coy!

But ah! sweet maid, my counsel hear
 (Youth should attend when those advise
 Whom long experience renders sage):
 While musick charms the ravish'd ear;
 While sparkling cups delight our eyes,
 Be gay; and scorn the frowns of age.

What cruel answer have I heard!
 And yet, by heaven, I love thee still:
 Can aught be cruel from thy lip?
 Yet say, how fell that bitter word
 From lips which streams of sweetness fill,
 Which nought but drops of honey sip?

Men az an hufni ruzafzun
 Ke Yufuf dashti danestem
 Ke eshk az perdei ismet
 Berun ared Zuleikhara.

Nasihet goshi kun jana,
 Ke az jan dostiter darend
 Juvanani faadetmend
 I pendi peeri danara.

Bedem gufti, va khursendam,
 Afac alla, neku gufti,
 Jawabi telkhi mizeibed
 Lebi lali sheker khara.

Go boldly forth, my simple lay,
 Whose accents flow with artless ease,
 Like orient pearls at random strung :
 Thy notes are sweet, the damsels say ;
 But O ! far sweeter, if they please
 The nymph for whom these notes are sung.

Gazel gufti vedurr fufti,

Bea vakhoſh bukhan Hafiz,

Ke ber nazmi to affhaned

Felek ikdi furiara.

Which nought but drops of honey ſip
 From lips which ſtreams of ſweetneſs fill,
 Yet ſay, how ſell that bitter word
 Can aught be cruel from thy lip ?
 And yet, by heaven, I love thee ſtill :
 What cruel answer have I heard !

Idon ax an bolli ruzman
 Ke Yafar dafni dafnam
 Ke elik an perdei ilmi
 Berun ardi Nukhtara.
 Nafar fofhi kon jam,
 Ke ax jan bolli dafnam
 Jafar dafnam
 I pofhi perdei dafnam
 Bedon guli, va khushdama,
 Afac alla, naku guli,
 Jafar dafnam
 Bedi jafar dafnam.

AN
ODE OF PETRARCH,

TO
THE FOUNTAIN OF VALCHIUSA.

YE clear and sparkling streams,
Warm'd by the sunny beams,
Through whose transparent crystal Laura play'd;
Ye boughs, that deck the grove,
Where Spring her chaplets wove,
While Laura lay beneath the quivering shade; *

Canzone 27.

Chiare, fresche, e dolci acque,
Ove le belle membra
Pose colei, che sola a me par donna;
Gentil ramo, ove piacque
(Con sospir mi rimembra)
A lei di fare al bel fianco colonna;

* M. de Voltaire has given us a beautiful paraphrase of this first stanza, though it is certain that he had never read the ode in the original, or at most only the three first lines of it; for he asserts that the Italian song is irregular, and without rhymes; whereas the stanzas are perfectly regular, and the rhymes very exact. His design was to give Madame du Châtelet, for whom he wrote his history, an idea of Petrarch's style; but, if she had only read his imitation, she could have but an imperfect notion of the Italian, which the reader will easily perceive by comparing them.

Sweet

Sweet herbs, and blushing flowers,
 That crown yon vernal bowers
 For ever fatal, yet for ever dear ;
 And ye, that heard my sighs
 When first she charm'd my eyes,
 Soft-breathing gales, my dying accents hear.
 If heaven has fix'd my doom,
 That Love must quite consume
 My bursting heart, and close my eyes in death ;
 Ah ! grant this flight request,
 That here my urn may rest
 When to its mansion flies my vital breath.
 This pleasing hope will smooth
 My anxious mind, and sooth
 The pangs of that inevitable hour ;

Erba, e fior', che la gonna
 Leggiadra ricoverse
 Coll' angelico feno ;
 Aer sacro fereno
 Ov' Amor co' begli occhi il cor m' aperse ;
 Date udienza insieme
 Alle dolenti mie parole estreme.
 S' egli è pur mio destino,
 E'l cielo in ciò s' adopra,
 Ch' amor questi occhi lagrimando chiuda,
 Qualche grazia il meschino
 Corpo fra voi ricopra ;
 E torni l' alma al proprio albergo ignuda :
 La morte fia men cruda,
 Se questa speme porto
 A quel dubbioso passo ;

My

My spirit will not grieve
 Her mortal veil to leave
 In these calm shades, and this enchanting bower.
 Haply the guilty maid
 Through yon accustom'd glade
 To my sad tomb will take her lonely way;
 Where first her beauty's light
 O'erpower'd my dazzled sight,
 When Love on this fair border bade me stray:
 There sorrowing shall she see,
 Beneath an aged tree,
 Her true but hapless lover's lowly bier;
 Too late her tender sighs
 Shall melt the pitying skies,
 And her soft veil shall hide the gushing tear.

Che lo spirito lasso
 Non poria mai in piu riposato porto
 N'en piu tranquilla fossa
 Fuggir la carne travagliata, e l'ossa.
 Tempo verrà ancor forse
 Ch' all' ufato foggiorno
 Torni la fera bella e mansueta;
 E là, ov' ella mi scorfe
 Nel benedetto giorno
 Volga la vista desiosa e lieta,
 Cercandomi, ed, o pietà,
 Già terra infra le pietre
 Vedendo, Amor l'inspiri
 In guisa che sospiri
 Si dolcemente che mercè m'impetre,
 E faccia forza al cielo
 Asciugandosi gli occhi col bel velo.

O! well

O ! well-remember'd day,
 When on yon bank she lay,
 Meek in her pride, and in her rigour mild;
 The young and blooming flowers,
 Falling in fragrant showers,
 Shone on her neck, and on her bosom smil'd :
 Some on her mantle hung,
 Some in her locks were strung,
 Like orient gems in rings of flaming gold ;
 Some, in a spicy cloud
 Descending, call'd aloud,
 " Here Love and Youth the reins of empire hold,"
 I view'd the heavenly maid ;
 And, rapt in wonder, said
 " The groves of Eden gave this angel birth ;"

Da' bei rami scendea
 Dolce nella memoria
 Una pioggia di fior sovra 'l suo grembo ;
 Ed ella si fedeo,
 Humile in tanta gloria
 Coverta già dell' amoroso nembo :
 Qual fior cadea sul lembo,
 Qual sulle treccie bionde,
 Ch' oro forbito e perle
 Eran quel di a vederle,
 Qual si posava in terra, e qual full' onde ;
 Qual con un vago errore
 Girando pareo dir, " Qui regna Amore."
 Quante volte dis'io
 Allor pien di spavento
 " Costei per fermo nacque in paradiso,"

Her look, her voice, her smile,
 That might all heaven beguile,
 Wafted my soul above the realms of earth:
 The star-bespangled skies
 Were open'd to my eyes;
 Sighing I said, "Whence rose this glittering scene?"
 Since that auspicious hour,
 This bank, and odorous bower,
 My morning couch, and evening haunt, have been.
 Well mayst thou blush, my song,
 To leave the rural throng,
 And fly thus artless to my Laura's ear;
 But, were thy poet's fire
 Ardent as his desire,
 Thou wert a song that heaven might stoop to hear.

Così carco d' oblio
 Il divin portamento
 E'l volto, e le parole, e'l dolce riso
 M'aveano, e si diviso
 Dall' imagine vera,
 Ch' i' dicea sospirando,
 "Qui come venn' io, o quando?"
 Credendo esser' in ciel, non là dov' era.
 Da indi in quà mi piace
 Questa erba sì ch' altrove non o pace.
 Se tu avessi ornamenti quant' ai voglia,
 Potresti arditamente
 Uscir del bosco, e gir' infra la gente.

M. DE VOLTAIRE'S PARAPHRASE

OF

THE FIRST STANZA,

Chiare, fresche, e dolci acque, &c.

CLAIRe fontaine, onde aimable, onde pure,
Ou la beauté qui consume mon cœur,
Seule beauté, qui soit dans la nature,
Des feux du jour evite la chaleur ;
Arbre heureux, dont le feuillage
Agité par les Zephirs
La couvris de son ombrage,
Qui rappelles mes soupirs,
En rappelant son image,
Ornemens de ces bords, et filles du matin,
Vous dont je suis jaloux, vous moins brillantes qu'Elle,
Fleurs, qu'elle embellissait, quand vous touchiez son sein,
Rossignols, dont la voix est moins douce et moins belle,
Air devenu plus pur, adorable séjour,
Immortalisé par ses charmes,
Lieux dangereux et chers, ou de ses tendres armes
L'amour a blessé tous mes sens,
Ecoutez mes derniers accens,
Recevez mes dernieres larmes.

LAURA,

LAURA,

AN ELEGY FROM PETRARCH.

* **I**N this fair season, when the whispering gales
Drop showers of fragrance o'er the bloomy vales,
From bower to bower the vernal warblers play;
The skies are cloudless, and the meads are gay;
The nightingale in many a melting strain
Sings to the groves, "Here Mirth and Beauty reign."
But me, for ever bath'd in gushing tears,
No mirth enlivens, and no beauty cheers:
The birds that warble, and the flowers that bloom,
Relieve no more this solitary gloom.
I see, where late the verdant meadow smil'd,
A joyless desert, and a dreary wild.

For

IMITATIONS.

* Ver. 1. Petrarch. Sonnet. 270.

Zefiro torna, e'l bel tempo rimena,
E' i fiori, e l'erbe, sua dolce famiglia;
E garrir Progne, e pianger Filomela;
E primavera candida, e vermiglia:
Ridono i prati, e'l ciel si rasserena;
Giove s'allegra di mirar sua figlia;
L'aria, e l'acque, e la terra e d'amor piena;
Ogni animal d'amar si riconfiglia:
Ma per me, lasso, tornano i piu gravi
Sospiri, che del cor profondo tragge
Quella ch' al ciel se ne portò le chiavi:

For those dear eyes, that pierc'd my heart before,
 Are clos'd in death, and charm the world no more :
 Loft are those tresses, that outshone the morn,
 And pale those cheeks, that might the skies adorn.
 * Ah, death ! thy hand has cropp'd the fairest flower,
 That shed its smiling rays in beauty's bower ;
 Thy dart has lay'd on yonder sable bier
 All my soul lov'd, and all the world held dear ;
 Celestial sweetness, love-inspiring youth,
 Soft-ey'd benevolence, and white-rob'd truth.

† Hard fate of man, on whom the heavens bestow
 A drop of pleasure for a sea of woe !
 Ah, life of care, in fears or hopes consum'd,
 Vain hopes, that wither ere they well have bloom'd !
 How oft, emerging from the shades of night,
 Laughs the gay morn, and spreads a purple light ;

IMITATIONS.

E cantar' augelletti, e fiorir piagge,
 E'n belle donne oneste atti soavi,
 Sono un deserto, e fere aspre e selvagge.

* Ver. 17. Sonnet. 243.

Discolorato ai, morte, il piu bel volto
 Che mai si vede, e'i plu begli occhi spenti,
 Spirto piu acceso di virtuti ardenti
 Del piu leggiadro, e piu bel nodo ai sciolto !

† Ver. 28. Sonnet. 230.

O nostra vita, ch'è si bella in vista!
 Com' perde agevolmente in un' mattina
 Quel che'n molt' anni a gran pena s' acquista.

But

But soon the gathering clouds o'er shade the skies,
Red lightnings play, and thundering storms arise !
How oft a day, that fair and mild appears,
Grows dark with fate, and mars the toil of years !

* Not far remov'd, yet hid from distant eyes,
Low in her secret grot a Naiad lies.
Steep arching rocks, with verdant moss o'ergrown,
Form her rude diadem, and native throne :
There in a gloomy cave her waters sleep,
Clear as a brook, but as an ocean deep.
Yet, when the waking flowers of April blow,
And warmer sunbeams melt the gather'd snow ;
Rich with the tribute of the vernal rains,
The nymph, exulting, bursts her silver chains ;
Her living waves in sparkling columns rise,
And shine like rainbows to the sunny skies ;
From cliff to cliff the falling waters roar ;
Then die in murmurs, and are heard no more.
Hence, softly flowing in a dimpled stream,
The crystal Sorga spreads a lively gleam ;

IMITATIONS.

* Ver. 33. See a description of this celebrated fountain in a poem of Madame Deshoulières.
Entre de hauts rochers, dont l'aspect est terrible,
Des pres toujours fleuris, des arbres toujours verts,
Une source orgueilleuse et pure,
Dont l'eau sur cent rochers divers
D'une mousse verte couverts,
S'épanche, bouillonne, et murmure ;
Des agneaux bondissants sur la tendre verdure,
Et de leurs conducteurs les rustiques concerts, &c.

From

From which a thousand rills in mazes glide,
 And deck the banks with summer's gayest pride ;
 Brighten the verdure of the smiling plains,
 And crown the labour of the joyful swains.

First on these banks (ah, dream of short delight !)
 The charms of Laura struck my dazzled sight ;
 Charms, that the bliss of Eden might restore,
 That heaven might envy, and mankind adore.
 I saw—and O ! what heart could long rebel ?
 I saw, I lov'd, and bade the world farewell.
 Where'er she mov'd, the meads were fresh and gay,
 And every bower exhal'd the sweets of May ;
 Smooth flow'd the streams, and softly blew the gale ;
 The rising flowers impurpled every dale ;
 Calm was the ocean, and the sky serene ;
 An universal smile o'erspread the shining scene :
 But when in death's cold arms entranc'd she lay,
 (*Ah, ever dear, yet ever fatal day !)
 O'er all the air a direful gloom was spread ;
 Pale were the meads, and all their blossoms dead ;
 The clouds of April shed a baleful dew,
 All nature wore a veil of deadly hue.

Go, plaintive breeze, to Laura's flowery bier,
 Heave the warm sigh, and shed the tender tear.
 There to the awful shade due homage pay,
 And softly thus address the sacred clay :

* Laura was first seen by Petrarch on the sixth of April in the year 1327 ; and she died on the same day in 1348.

“ Say,

“ * Say, envied earth, that dost those charms infold,
 “ Where are those cheeks, and where those locks of gold?
 “ Where are those eyes, which oft the Muse has fung?
 “ Where those sweet lips, and that enchanting tongue?
 “ Ye radiant tresses, and thou, nectar'd smile;
 “ Ye looks that might the melting skies beguile;
 “ You robb'd my soul of rest, my eyes of sleep;
 “ You taught me how to love, and how to weep.”

† No shrub o'erhangs the dew-bespangled vale,
 No blossom trembles to the dying gale,
 No floweret blushes in the morning rays,
 No stream along the winding valley plays,

IMITATIONS.

* Ver. 75. Sonnet. 260.

Quanta invidia ti porto, avara terra,
 Ch' abbracci quella, cui veder m' è tolto.

And Sonnet. 259.

Ov' è la fronte, che con picciol cenno
 Volgea 'l mio core in questa parte, e'n quella?
 Ov' è 'l bel ciglio, e l' una e l' altra stella,
 Ch' al corso del mio viver lume denno? &c.

† Ver. 83. Sonnet. 248.

No n è sterpe, ne fasso in questi monti,
 Non ramo o fronda verde in queste piagge;
 Non fior' in queste valli, o foglia d'erba;
 Stilla d' acque non ven di queste fonti,
 Ne fiere an questi boschi sì selvagge,
 Che non sappian quant' è mia pena acerba.

But

But knows what anguish thrills my tortur'd breast,
 What pains consume me, and what cares infest.
 * At blush of dawn, and in the gloom of night,
 Her pale-eyed phantom swims before my sight,
 Sits on the border of each purling rill,
 Crowns every bower, and glides o'er every hill.
 † Flows the loud rivulet down the mountain's brow?
 Or pants the Zephyr on the waving bough?

IMITATIONS.

* Ver. 89. Sonnet. 241.

Or' in forma di ninfa, o d' altra diva,
 Che del piu chiaro fondo di Sorga esca,
 E pongasi a feder' in su la riva:
 Or' l' o veduta fu per l'erba fresca
 Calcar' i fior, com' una donna viva,
 Mostrando in vista, che di me le'nresca.

† Ver. 93. Sonnet. 239.

Se lamentar' augelli, o verdi fronde
 Mover soavemente all' aura estiva,
 O roco mormorar di lucid' onde
 S'ode d'una fiorita e fresca riva,
 La v' io feggia d' amor pensoso, e schriva;
 Lei che'l ciel ne mostrò, terra nasconde,
 Veggio, ed odo, ed intendo, ch' ancor viva
 Di sì lontano a' sospir miei risponde.
 Deh! perche innanzi tempo ti consume?
 Mi dice con pietate, a che pur versi
 Dagli occhi tristi un doloroso fiume?
 Di me non pianger tu; che miei di ferfi,
 Morendo, eterni, e nell' eterno lume,
 Quando mostrai di chiuder gl' occhi, aperfi.

Or

Or sips the labouring bee her balmy dew,
And with soft strains her fragrant toil pursues?
Or warbles from yon silver-blossom'd thorn
The wakeful bird, that hails the rising morn?
My Laura's voice in many a soothing note
Floats through the yielding air, or seems to float:

“ Why fill thy sighs, she says, this lonely bower?
“ Why down thy bosom flows this endless shower?
“ Complain no more; but hope ere long to meet
“ Thy much-lov'd Laura in a happier seat.
“ Here fairer scenes detain my parted shade;
“ Suns that ne'er set, and flowers that never fade:
“ Through crystal skies I wing my joyous flight,
“ And revel in eternal blaze of light;
“ See all thy wanderings in that vale of tears,
“ And smile at all thy hopes, at all thy fears:
“ Death wak'd my soul, that slept in life before,
“ And op'd these brighten'd eyes, to sleep no more.”

She ends: the fates, that will no more reveal,
Fix on her closing lips their sacred seal.
“ Return, sweet shade! I wake, and fondly say,
“ O, cheer my gloom with one far-beaming ray!
“ Return: thy charms my sorrow will dispel,
“ And snatch my spirit from her mortal cell;
“ Then, mix'd with thine, exulting she shall fly,
“ And bound enraptur'd through her native sky.”
She comes no more: my pangs more fierce return;
Tears gush in streams, and sighs my bosom burn.

* Ye banks, that oft my weary limbs have born ;
 Ye murmuring brooks, that learnt of me to mourn ;
 Ye birds, that tune with me your plaintive lay ;
 Ye groves, where Love once taught my steps to stray ;
 You, ever sweet and ever fair, renew
 Your strains melodious, and your blooming hue ;
 But not in my sad heart can bliss remain,
 My heart, the haunt of never-ceasing pain !

Henceforth, to sing in smoothly-warbled lays
 The smiles of youth, and beauty's heavenly rays ;
 † To see the morn her early charms unfold,
 Her cheeks of roses, and her curls of gold ;

IMITATIONS.

* Ver. 123. Sonnet. 261.

Valle, che de' lamenti miei se' piena ;
 Fiume, che spesso del mio pianger cresci ;
 Fere felvestre, vaghi augelli, e pesci,
 Che l' una, e l' altra verde riva affrena ;
 Aria de' miei sospir' calda e serena ;
 Dolce sentier, che si amaro riefci ;
 Colle, che mi piacesti, or mi rincresci ;
 Ov' ancor per usanza Amor mi mena ;
 Ben riconosco in voi l'usate forme,
 Non, lasso, in me, che da sì lieta vista,
 Son fatto albergo d'infinita doglia.

† Ver. 133. Sonnet. 251.

Quand' io veggio dal ciel scender l'Aurora,
 Con la fronte di rose, e co' crin d' oro.

* Led by the sacred Muse at noon to rove
O'er tufted mountain, vale, or shady grove;
To watch the stars, that gild the lucid pole,
And view yon orbs in mazy order roll;
To hear the tender nightingale complain,
And warble to the woods her amorous strain;
No more shall these my pensive soul delight,
But each gay vision melts in endless night.

† Nymphs, who in glimmering glades by moonlight dance;
And ye, who through the liquid crystal glance,
Who oft have heard my sadly-pleasing moan;
Behold me now a lifeless marble grown.
Ah! lead me to the tomb where Laura lies;
Clouds, fold me round; and, gather'd darkness, rise;
Bear me, ye gales, in death's soft slumber lay'd;
And, ye bright realms, receive my fleeting shade!

IMITATIONS.

* Ver. 135. Sonnet. 272.

Ne per sereno ciel ir vaghe stelle;
Ne per tranquillo mar legni spalmati;
Ne per campagne cavalieri armati;
Ne per bei boschi allegre fere e snelle;
Ne d' aspettato ben fresche novelle,
Ne dir d' Amore in stili alti ed ornati;
Ne tra chiare fontane, e verdi prati
Dolce cantare oneste donne e belle;

Ne altro farà mai ch' al cor m' aggiunga,
Si seco il seppo quella seppellire,
Che sola a gli occhi miei fu lume e specchio.

† Ver. 143. Sonnet. 263.

O vaghi abitator de' verdi boschi,
O Ninfe, e voi, che'l fresco erbofo fondo
Del liquido cristallo alberga e pasce.

A TURKISH ODE

OF MESIHI.

HEAR how the nightingales, on every spray,

Hail in wild notes the sweet return of May!

The gale, that o'er yon waving almond blows,

The verdant bank with silver blossoms strows:

The smiling season decks each flowery glade.

Be gay: too soon the flowers of Spring will fade.

What gales of fragrance scent the vernal air!

Hills, dales, and woods, their loveliest mantles wear.

DINLEH bulbul kiffa fen kim gildi eiami behar,

Kurdi her bir baghda hengamei hengami behar,

Oldi sim affhan ana ezhari badami behar

Ysh u nush it kim gicher kalmaz bu eiami behar.

Yineh enwei fhukufieh bezendi bagh u ragh,

Ysh ichun kurdi chichekler fahni gulshenda otagh,

Thou hearest the tale of the nightingale, "that the vernal season approaches." The Spring has spread a bower of joy in every grove, where the almond-tree sheds its silver blossoms. Be cheerful; be full of mirth; for the Spring passes soon away: it will not last.

The groves and hills are again adorned with all sorts of flowers: a pavilion of roses, as the seat of pleasure, is raised in the garden. Who knows which of us will be alive when the fair season ends? Be cheerful, &c.

Who

Who knows what cares await that fatal day,
 When ruder gusts shall banish gentle May?
 Ev'n death, perhaps, our valleys will invade.
 Be gay: too soon the flowers of Spring will fade.

The tulip now its varied hue displays,
 And sheds, like Ahmed's eye, celestial rays.
 Ah, nation ever faithful, ever true,
 The joys of youth, while May invites, pursue!
 Will not these notes your timorous minds persuade?
 Be gay: too soon the flowers of Spring will fade.

The sparkling dewdrops o'er the lilies play,
 Like orient pearls, or like the beams of day.
 If love and mirth your wanton thoughts engage,
 Attend, ye nymphs! (a poet's words are sage).

Kim bilur ol behareh dek kih u kim ola fagh?

Ysh u nush it kim gicher kalmaz bu eiami behar.

Tarafi gulshen nuri Ahmed birleh malamaldur,

Sebzelerinda fehabehe lalehi kheirulaldur,

Hei Mohammed ummeti wakti huzuri haldur.

Ysh u nush it kim gicher kalmaz bu eiami behar.

Kildi shebnem yineh jeuherdari tighi fufeni,

Zhalehler aldi hewai doiyile leh gulshene,

The edge of the bower is filled with the light of Ahmed: among the plants the fortunate tulips represent his companions. Come, O people of Mohammed, this is the season of merriment. Be cheerful, &c.

Again the dew glitters on the leaves of the lily, like the water of a bright scymitar. The dewdrops fall through the air on the garden of roses. Listen to me, listen to me, if thou desirest to be delighted: Be cheerful, &c.

While

While thus you sit beneath the trembling shade,
Be gay : too soon the flowers of Spring will fade.

The fresh blown rose like Zeineb's cheek appears,
When pearls, like dewdrops, glitter in her ears.
The charms of youth at once are seen and past ;
And nature says, " They are too sweet to last."
So blooms the rose ; and so the blushing maid !
Be gay : too soon the flowers of Spring will fade.

See yon anemonies their leaves unfold,
With rubies flaming, and with living gold !
While crystal showers from weeping clouds descend,
Enjoy the presence of thy tuneful friend.

Gher temafha ifeh makfudun beni esleh beni.
Ysh u nush it kim gicher kalmaz bu eiami behar.
Rukhleri rengin giuzellar dur gulileh lalehlar,
Kim kulaklarineh durlu jeuher afmish zhalehlar,
Aldanup fanma ki bunlar boileh baki kalehlar.
Ysh u nush it kim gicher kalmaz bu eiami behar.
Gulifanda giorunin laleh u gul naoman leh
Baghda kan aldi shemfun nishteri baran leh.

The roses and tulips are like the bright cheeks of beautiful maids, in whose ears the pearls hang like drops of dew. Deceive not thyself, by thinking that these charms will have a long duration. Be cheerful, &c.

Tulips, roses, and anemonies, appear in the gardens : the showers and the sunbeams, like sharp lancets, tinge the banks with the colour of blood. Spend this day agreeably with thy friends, like a prudent man. Be cheerful, &c.

Now,

Now, while the wines are brought, the sofa's lay'd,
Be gay : too soon the flowers of Spring will fade.

The plants no more are dried, the meadows dead,
No more the rose-bud hangs her pensive head :
The shrubs revive in valleys, meads, and bowers,
And every stalk is diadem'd with flowers ;
In filken robes each hillock stands array'd.
Be gay : too soon the flowers of Spring will fade.

Clear drops each morn impearl the rose's bloom,
And from its leaf the Zephyr drinks perfume ;
The dewy buds expand their lucid store :
Be this our wealth : ye damsels, ask no more.

Arefun bu demi khosh gior bu giun yaran leh,
Ysh u nush it kim gicher kalmaz bu eiami behar.

Gitti ol demler ki olup febzeler sahib ferasih,
Gunchesh fikri gulshenun olmishti bagherinda bash,
Gildi bir dem kim karardi laleh lerle dagh u tash,
Ysh u nush it kim gicher kalmaz bu eiami behar.

Ebr gulzari uftuneh her subh goher bariken,
Nefhei badi feher por nasei tatariken :
Ghafil olmeh alemun mahbublighi wariken.
Ysh u nush it kim gicher kalmaz bu eiami behar.

The time is passed in which the plants were sick, and the rose-bud hung its thoughtful head on its bosom. The season comes in which mountains and rocks are coloured with tulips. Be cheerful, &c.

Each morning the clouds shed gems over the rose-garden : the breath of the gale is full of Tartarian musk. Be not neglectful of thy duty through too great a love of the world. Be cheerful, &c.

Though

Though wise men envy, and though fools upbraid,
Be gay : too soon the flowers of Spring will fade.

The dewdrops, sprinkled by the musky gale,
Are chang'd to essence ere they reach the dale.
The mild blue sky a rich pavilion spreads,
Without our labour, o'er our favour'd heads.
Let others toil in war, in arts, or trade.
Be gay : too soon the flowers of Spring will fade.

Late gloomy winter chill'd the sullen air,
Till Soliman arose, and all was fair.
Soft in his reign the notes of love resound,
And pleasure's rosy cup goes freely round.
Here on the bank, which mantling vines o'ershade,
Be gay : too soon the flowers of Spring will fade.

Buyi gulzar itti sholdenlu hewai mushknab
Kim yereh inengeh olur ketrei shebnem gulab.
Cherkh otak kurdi gulistan uftuneh giunlik sehab.
Ysh u nush it kim gicher kalmaz bu ciami behar.
Gulistanun her ne fen aldi shah badi khuzan,
Adl idup bir bir ileh wardi yineh shahi jehan.
Deuletinda badehler kam oldi fakii kamran.
Ysh u nush it kim gicher kalmaz bu ciami behar.

The sweetness of the bower has made the air so fragrant, that the dew, before it falls, is changed into rose-water. The sky spreads a pavilion of bright clouds over the garden. Be cheerful, &c.

Whoever thou art, know that the black gusts of autumn had seized the garden; but the king of the world again appeared dispensing justice to all : in his reign the happy cupbearer desired and obtained the flowing wine. Be cheerful, &c.

May

May this rude lay from age to age remain,
 A true memorial of this lovely train.
 Come, charming maid, and hear thy poet sing,
 Thyself the rose, and He the bird of spring :
 Love bids him sing, and Love will be obey'd.
 Be gay : too soon the flowers of Spring will fade.

Omerem buleh, Mefihi, bu merbai ishtihar,
 Ehlene ola bu charabru u giuzeller yadgar,
 Bulbuli khosh gui sen gulyuzluler leh yuriwar.
 Ysh u nush it kim gicher kalmaz bu eiami behar.

By these strains I hoped to celebrate this delightful valley : may they be a memorial to its inhabitants, and remind them of this assembly, and these fair maids ! Thou art a nightingale with a sweet voice, O Mefihi, when thou walkest with the damsels, whose cheeks are like roses. Be cheerful ; be full of mirth ; for the Spring passes soon away : it will not last.

THE SAME,

IN IMITATION OF THE

PERVIGILIUM VENERIS.

ALITES audis loquaces per nemora, per arbutos,
Veris adventum canentes tinnulo modulamine;
Dulcè luget per virentes mollis aura amygdalas:
Nunc amandum est, nunc bibendum; florem ver fugit, abit!

Ecce jam flores refulgent gemmeis honoribus,
Quique prata, quique saltûs, quique sylvulas amant;
Quis scit an nox una nobis dormienda æterna sit?
Nunc amandum est, nunc bibendum; florem ver fugit, abit!

Quantus est nitor rosarum! quantus hyacinthi decor!
Non ocellus, cùm renidet, est puellæ lætior:
Hic levi dies amoris est, hic voluptati facer:
Nunc amandum est, nunc bibendum; florem ver fugit, abit!

Ecce baccatæ recentis guttulæ roris micant,
Per genam rosæ cadentes, perque mite lilium:
Auribus gratum, puellæ, sit meum vestris melos;
Nunc amandum est, nunc bibendum; florem ver fugit, abit!

Ut rosa in prato refulget, sic teres virgo nitet,
Hæc onusta margaritis, illa roris gemmulis :
Ne perenne vel puellæ vel rosæ speres decus.
Nunc amandum est, nunc bibendum ; florem ver fugit, abit !

Aspice, ut rosæta amictu discolori splendeant,
Prata dum fecundat æther læta gratis imbribus,
Fervidos inter sodales da voluptati diem.
Nunc amandum est, nunc bibendum ; florem ver fugit, abit !

Jam situ deformis ægro non jacet rosæ calyx ;
Ver adest, ver pingit hortos purpurantes floribus,
Perque saxa, perque colles, perque lucos emicat :
Nunc amandum est, nunc bibendum ; florem ver fugit, abit !

Ecce, per rosæ papillas suavè rident guttulae,
Quas odorifer resolvit lenis auræ spiritus ;
Hæc pyropis, hæc smaragdis cariores Indicis.
Nunc amandum est, nunc bibendum ; florem ver fugit, abit !

Is tenellis per vireta spirat è rosis odor,
Ut novum stillans amomum ros in herbas decidat,
Suavè olentibus coronans lacrymis conopeum.
Nunc amandum est, nunc bibendum ; florem ver fugit, abit !

Acris olim cum malignis faeviit ventis hyems ;
Sed rosæto, solis instar, regis affulsit nitor ;
Floruit nemus repenti, dulce manavit merum :
Nunc amandum est, nunc bibendum ; florem ver fugit, abit !

His iners modis, Mefihi, melleam aptabas chelyn ;
 Veris ales est poeta ; verna cantat gaudia,
 Et rofas carpit tepentes è puellarum genis.
 Nunc amandum est, nunc bibendum ; florem ver fugit, abit !

ARCADIA,

ARCADIA,

A PASTORAL POEM.

ADVERTISEMENT.

THE following pastoral was written in the year 1762; but the author, finding some tolerable passages in it, was induced to correct it afterwards, and to give it a place in this collection. He took the hint of it from an allegory of Mr. Addison, in the thirty-second paper of the Guardian; which is set down in the margin, that the reader may see where he has copied the original, and where he has deviated from it. In this piece, as it now stands, Menalcas, king of the shepherds, means Theocritus, the most ancient, and perhaps the best, writer of pastorals: and by his two daughters, Daphne and Hyla, must be understood the two sorts of pastoral poetry; the one elegant and polished, the other simple and unadorned; in both of which he excelled. Virgil, whom Pope chiefly followed, seems to have borne away the palm in the higher sort; and Spenser, whom Gay imitated with success, had equal merit in the more rustick style: these two poets, therefore, may justly be supposed in this allegory to have inherited his kingdom of Arcadia.

ARCADIA.

ARCADIA.

IN those fair plains, where glittering Ladon roll'd
His wanton labyrinth o'er sands of gold,
Menalcas reign'd : from Pan his lineage came ;
Rich were his vales, and deathless was his fame.
When youth impell'd him, and when love inspir'd,
The listening nymphs his Dorick lays admir'd :
To hear his notes the swains with rapture flew ;
A softer pipe no shepherd ever blew.
But now, oppress'd beneath the load of age,
Belov'd, respected, venerable, sage,
* Of heroes, demigods, and gods he sung ;
His reed neglected on a poplar hung :
Yet all the rules, that young Arcadians keep,
He kept, and watch'd each morn his bleating sheep.

IMITATIONS.

Guardian, N^o 32.

In ancient times there dwelt in a pleasant vale of Arcadia a man of very ample possessions, named Menalcas, who, deriving his pedigree from the god Pan, kept very strictly up to the rules of the pastoral life, as it was in the golden age.

NOTE.

* This couplet alludes to the higher Idyllia of Theocritus ; as the *Ἐγκώμιον εἰς Πτολεμαῖον*, the *Διόσκουροι*, and others, which are of the heroick kind.

Two lovely daughters were his dearest care ;
 Both mild as May, and both as April fair :
 Love, where they mov'd, each youthful breast inflam'd ;
 And Daphne this, and Hyla that was nam'd.
 * The first was bashful as a blooming bride,
 And all her mien display'd a decent pride ;
 Her tresses, braided in a curious knot,
 Were close confin'd, and not a hair forgot ;
 Where many a flower, in mystick order plac'd,
 With myrtle twin'd, her filken fillet grac'd ;
 Nor with less neatness was her robe dispos'd,
 And every fold a pleasing art disclos'd ;
 Her sandals of the brightest silk were made,
 And, as she walk'd, gave lustre to the shade ;
 A graceful ease in every step was seen,
 She mov'd a shepherdes, yet look'd a queen.
 Her sister scorn'd to dwell in arching bowers,
 Or deck her locks with wreaths of fading flowers ;
 O'er her bare shoulder flow'd her auburn hair,
 And, fann'd by Zephyrs, floated on the air ;
 Green were her buskins, green the vest she wore,
 And in her hand a knotty crook she bore.
 † The voice of Daphne might all pains disarm ;
 Yet, heard too long, its sweetness ceas'd to charm : But

IMITATIONS.

* He had a daughter, his only child, called Amaryllis. She was a virgin of a most enchanting beauty, of a most easy and unaffected air ; but, having been bred up wholly in the country, was bashful to the last degree.

† She had a voice that was exceedingly sweet ; yet had a rusticity in her tone, which, however, to most who heard her seemed an additional charm. Though in her conversation in
 general

But none were tir'd when artless Hyla sung,
Though something rustick warbled from her tongue.

Thus both in beauty grew, and both in fame,
Their manners different, yet their charms the same.
The young Arcadians, tuneful from their birth,
To love devoted, and to rural mirth,
Beheld, and fondly lov'd the royal maids,
And sung their praise in valleys, lawns, and glades;
From morn to latest eve they wept, and sigh'd;
And some for Daphne, some for Hyla, died:
Each day new presents to the nymphs they bore,
And in gay order spread the shining store;
Some beechen bowls and polish'd sheephooks brought,
With ebon knots, and studs of silver, wrought;
Some led in flowery bands the playful fawn,
Or bounding roe, that spurn'd the grassy lawn;
The rest on nature's blooming gifts relied,
And rais'd their slender hopes on beauty's pride:
But the coy maids, regardless of their pain,
Their vows derided, and their plaintive strain.
Hence some, whom love with lighter flames had fir'd,
Broke their soft flutes, and in despair retir'd;
To milder damsels told their amorous tale,
And found a kinder Daphne in the vale.

IMITATIONS.

general she was very engaging, yet to her lovers, who were numerous, she was so coy, that many left her in disgust after a tedious courtship, and matched themselves where they were better received.

It

It happen'd on a cheerful morn of May,
 When every meadow smil'd in fresh array,
 The shepherds, rising at an early hour,
 In crouds assembled round the regal bower,
 There hail'd in sprightly notes the peerless maids ;
 And tender accents trembled through the glades.
 Menalcas, whom the larks with many a lay
 Had call'd from slumber at the dawn of day,
 By chance was roving through a bordering dale,
 And heard the swains their youthful woes bewail.
 He knew the cause ; for long his prudent mind
 To sooth their cares indulgently design'd :
 Slow he approach'd ; then wav'd his awful hand,
 And, leaning on his crook, address'd the listening band :

“ Arcadian shepherds, to my words attend !
 In silence hear your monarch, and your friend.
 Your fruitless pains, which none can disapprove,
 Excite my pity, not my anger move.
 Two gentle maids, the solace of my age,
 Fill all my soul, and all my care engage ;
 When death shall join me to the pale-ey'd throng,
 To them my sylvan empire will belong ;
 But, lest with them the royal line should fail,
 And civil discord fill this happy vale,
 Two chosen youths the beauteous nymphs must wed,
 To share their power, and grace the genial bed :
 * So may the swains our ancient laws obey,
 And all Arcadia own their potent sway.

IMITATIONS.

* For Menalcas had not only resolved to take a son-in-law, who should inviolably maintain the customs of his family ; but had received one evening, as he walked in the fields, a pipe of

But what sage counsel can their choice direct?
 Whom can the nymphs prefer, or whom reject?
 So like your passion, and so like your strain,
 That all deserve, yet cannot all obtain.
 Hear then my tale: as late, by fancy led
 To steep Cyllene's ever-vocal head,
 With winding steps I wander'd through the wood,
 And pour'd wild notes, a Faun before me stood;
 A flute he held, which as he softly blew,
 The feather'd warblers to the sound he drew;
 Then to my hand the precious gift consign'd,
 And said, "Menalcas, ease thy wondering mind:
 "This pipe, on which the god of shepherds play'd,
 "When love inflam'd him, and the † viewless maid,
 "Receive: ev'n Pan thy tuneful skill confess'd,
 "And after Pan thy lips will grace it best.
 "Thy daughter's beauty every breast inspires,
 "And all thy kingdom glows with equal fires:
 "But let those favour'd youths alone succeed,
 "Who blow with matchless art this heavenly reed."
 * This said, he disappear'd. Then hear my will:
 Be bold, ye lovers, and exert your skill;

Be

IMITATIONS.

an antique form from a Faun, or, as some say, from Oberon the Fairy, with a particular charge, not to bestow his daughter on any one who could not play the same tune upon it as at that time he entertained him with.

* When the time that he designed to give her in marriage was near at hand, he published a decree, whereby he invited the neighbouring youths to make trial of this musical instrument, with promise, that the victor should possess his daughter on condition that the vanquished

N O T E.

† Echo.

should

Be they my sons, who sing the softest strains,
 And tune to sweetest notes their pleasing pains:
 But mark ! whoe'er shall by too harsh a lay
 Offend our ears, and from our manners stray,
 He, for our favour, and our throne unfit,
 To some disgraceful penance must submit."

He ends ; the shepherds at his words rejoice,
 And praise their sovereign with a grateful voice.
 Each swain believes the lovely prize his own,
 And sits triumphant on th' ideal throne ;
 Kind Vanity their want of art supplies,
 And gives indulgent what the Muse denies ;
 Gay vests and flowery garlands each prepares,
 And each the dress, that suits his fancy, wears.

Now deeper blushes ting'd the glowing sky,
 And evening rais'd her silver lamp on high ;
 When, in a bower by Ladon's lucid stream,
 Where not a star could dart his piercing beam,
 So thick the curling eglantines display'd,
 With woodbines join'd, an aromack shade,
 The father of the blooming nymphs reclin'd,
 His hoary locks with sacred laurel twin'd :

The

IMITATIONS.

should submit to what punishment he thought fit to inflict. Those, who were not yet discouraged, and had high conceits of their own worth, appeared on the appointed day, in a dress and equipage suitable to their respective fancies. The place of meeting was a flowery meadow,

The royal damsels, seated by his side,
Shone like two flowers in summer's fairest pride :
The swains before them crouded in a ring,
Prepar'd to blow the flute, or sweetly sing.

First, in the midst a graceful youth arose,
Born in those fields where crystal Mele flows :
His air was courtly, his complexion fair ;
And rich perfumes shed sweetness from his hair,
That o'er his shoulder wav'd in flowing curls,
With roses braided, and inwreath'd with pearls ;
A wand of cedar for his crook he bore ;
His slender foot th' Arcadian sandal wore,
Yet that so rich, it seem'd to fear the ground,
With beaming gems and filken ribbands bound ;
The plumage of an ostrich grac'd his head,
And with embroider'd flowers his mantle was o'erspread.

He

IMITATIONS.

meadow, through which a clear stream murmured in many irregular meanders. The shepherds made a spacious ring for the contending lovers; and in one part of it there sat upon a little throne of turf, under an arch of eglantine and woodbines, the father of the maid, and at his right hand the damsel crowned with roses and lilies. She wore a flying robe of a light green stuff; she had a sheephook in one hand, and the fatal pipe in the other. The first who approached her was a youth of a graceful presence and a courtly air, but dressed in a richer habit than had ever been seen in Arcadia. He wore a crimson vest, cut, indeed, after the shepherd's fashion, but so enriched with embroidery, and sparkling with jewels, that the eyes of the spectators were diverted from considering the mode of the garment by the dazzling of the ornaments. His head was covered with a plume of feathers, and his sheephook glittered with gold and enamel. He applied the pipe to his lips, and began a tune, which he set off
with

* He sung the darling of th' Idalian queen,
 Fall'n in his prime on sad Cythera's green;
 When weeping graces left the faded plains,
 And tun'd their strings to elegiack strains;
 While mourning Loves the tender burden bore,
 "Adonis, fair Adonis, charms no more."
 The theme displeas'd the nymph, whose ruder ear
 The tales of simple shepherds lov'd to hear.
 The maids and youths, who saw the swain advance,
 And take the fatal pipe, prepar'd to dance:
 So wildly, so affectedly, he play'd,
 His tune so various and uncouth he made,
 That not a dancer could in cadence move,
 And not a nymph the quaver'd notes approve:
 They broke their ranks, and join'd the circling train,
 While bursts of laughter sounded o'er the plain.
 Menalcas rais'd his hand, and bade retire
 The filken courtier from th' Arcadian choir:
 Two eager shepherds, at the king's command,
 Rent his gay plume, and snapp'd his polish'd wand;
 They tore his vest, and o'er his bosom threw
 A weed of homely grain and ruffet hue;

IMITATIONS.

with so many graces and quavers, that the shepherds and shepherdesses, who had paired themselves in order to dance, could not follow it; as indeed it required great skill and regularity of steps, which they had never been bred to. Menalcas ordered him to be stripped of his costly robes, and to be clad in a ruffet weed, and to tend the flocks in the valleys for a year and a day.

NOTE.

* See Bion, Moschus, &c.

Then

Then fill'd with wither'd herbs his scented locks,
 And scornful drove him to the low-brow'd rocks;
 There doom'd to rove, deserted and forlorn,
 Till thrice the moon had arch'd her silver horn.

* The next that rose, and took the mystick reed,
 Was wrapp'd ungraceful in a fordid weed:
 A shaggy hide was o'er his shoulder spread,
 And wreaths of noxious darnel bound his head;
 Unshorn his beard, and tangled was his hair,
 He rudely walk'd, and thus address'd the fair:
 "My kids I fondle, and my lambs I kifs;
 "Ah! grant, sweet maid, a more delightful blifs."
 The damsels blush with anger and disdain,
 And turn indignant from the shameless swain;
 To Pan in silence, and to Love, they pray,
 To make his musick hateful as his lay.
 The gods assent: the flute he roughly takes,
 And scarce with pain a grating murmur makes;
 But when in jarring notes he forc'd his song,
 Just indignation fir'd the rural throng:

IMITATIONS.

* The second that appeared was in a very different garb. He was cloathed in a garment of rough goat-skins, his hair was matted, his beard neglected; in his person uncouth, and awkward in his gait. He came up fleering to the nymph, and told her, "He had hugged his lambs, and kissed his young kids, but he hoped to kifs one that was sweeter." The fair one blushed with modesty and anger, and prayed secretly against him as she gave him the pipe. He snatched it from her, but with great difficulty made it sound; which was in such harsh and jarring notes, that the shepherds cried one and all that he understood no musick. He was immediately ordered to the most craggy parts of Arcadia to keep the goats, and commanded never to touch a pipe any more.

Shame

Shame of Arcadia's bowers ! the youths exclaim,
 Whose tuneless lays disgrace a shepherd's name !
 The watchful heralds, at Menalcas' nod,
 Pursued the rustick with a vengeful rod ;
 Condemn'd three summers on the rocky shore
 To feed his goats, and touch a pipe no more.

* Now to the ring a portly swain advanc'd,
 Who neither wholly walk'd, nor wholly danc'd ;
 Yet mov'd in pain, so close his crimson vest
 Was clasp'd uneasy o'er his straining breast :
 † " Fair nymph, said he, the roses, which you wear,
 " Your charms improve not, but their own impair."
 The maids, unus'd to flowers of eloquence,
 Smil'd at the words, but could not guess their sense.
 When in his hand the sacred reed he took,
 Long time he view'd it with a pensive look ;
 Then gave it breath, and rais'd a shriller note
 Than when the bird of morning swells his throat ;
 Through every interval, now low, now high,
 Swift o'er the stops his fingers seem'd to fly :

IMITATIONS.

* The third that advanced appeared in clothes that were so strait and uneasy to him, that he seem'd to move in pain. He march'd up to the maiden with a thoughtful look, and stately pace, and said, " Divine Amaryllis, you wear not those roses to improve your beauty, but to " make them ashamed." As she did not comprehend his meaning, she presented the instrument without reply. The tune that he played was so intricate and perplexing, that the shepherds stood still like people astonish'd and confounded.

NOTE.

† See Tasso, Guarini, Fontenelle, Camoens, Garcilasso, and Lope de la Vega ; and other writers of pastorals in Italian, French, Portuguese, and Spanish.

The

The youths, who heard such musick with surprize,
 Gaz'd on the tuneful bard with wondering eyes:
 He saw with secret pride their deep amaze,
 Then said, * "Arcadia shall resound my praise,
 " And every clime my powerful art shall own;
 " This, this, ye swains, is melody alone:
 " To me Amphion taught the heavenly strains,
 " Amphion, born on rich Hesperian plains."
 To whom Menalcas: " Stranger, we admire
 " Thy notes melodious, and thy rapturous fire;
 " But ere to these fair valleys thou return,
 " Adopt our manners, and our language learn:
 " Some aged shepherd shall thy air improve,
 " And teach thee how to speak, and how to move."

† Soon to the bower a modest stripling came,
 Fairest of swains; and ‡ Tityrus his name:
 Mild was his look, an easy grace he show'd,
 And o'er his beauteous limbs a decent mantle flow'd:

As

IMITATIONS.

* In vain did he plead that it was the perfection of musick composed by the most skilful master of Hesperia. Menalcas, finding that he was a stranger, hospitably took compassion on him, and delivered him to an old shepherd, who was ordered to get him clothes that would fit him, and teach him how to speak plain.

† The fourth that stepped forward was young Amyntas, the most beautiful of all the Arcadian swains, and secretly beloved by Amaryllis. He wore that day the same colours as the maid for whom he sigh'd. He moved towards her with an easy, but unassured, air: she

NOTE.

‡ The name supposed to be taken by Virgil in his first pastoral.

blush'd

As through the croud he press'd, the sylvan choir
 His mien applauded, and his neat attire ;
 And Daphne, yet untaught in amorous lore,
 Felt strange desires, and pains unknown before.
 He now begins ; the dancing hills attend,
 And knotty oaks from mountain-tops descend :
 He sings of swains beneath the beechen shade,
 * When lovely Amaryllis fill'd the glade ;
 Next, in a sympathizing lay, complains
 Of love unpitied, and the lover's pains :
 But when with art the hallow'd pipe he blew,
 What deep attention hush'd the rival crew !
 He play'd so sweetly, and so sweetly sung,
 That on each note th' enraptur'd audience hung ;
 Ev'n blue-hair'd nymphs, from Ladon's limpid stream,
 Rais'd their bright heads, and listen'd to the theme ;
 Then through the yielding waves in transport glanc'd ;
 Whilst on the banks the joyful shepherds danc'd :
 " We oft, said they, at close of evening flowers,
 " Have heard such musick in the vocal bowers :

IMITATIONS.

blushed as he came near her ; and when she gave him the fatal present, they both trembled, but neither could speak. Having secretly breathed his vows to the gods, he poured forth such melodious notes, that, though they were a little wild and irregular, they filled every heart with delight. The swains immediately mingled in the dance ; and the old shepherds affirmed, that they had often heard such musick by night, which they imagined to be played by some of the rural deities.

NOTE.

* *Formosam resonare doces Amaryllida sylvam. Virg.*

“ We wonder’d ; for we thought some amorous god,
 “ That on a silver moonbeam swiftly rode,
 “ Had fann’d with starry plumes the floating air,
 “ And touch’d his harp, to charm some mortal fair.”

He ended ; and as rolling billows loud
 His praise resounded from the circling croud.
 The clamorous tumult softly to compose,
 High in the midst the plaintive * Colin rose,
 Born on the lilled banks of royal Thame,
 Which oft had rung with Rosalinda’s name ;
 Fair, yet neglected ; neat, yet unadorn’d ;
 The pride of dress, and flowers of art, he scorn’d :
 And, like the nymph who fir’d his youthful breast,
 Green were his buskins, green his simple vest :
 With careless ease his rustick lays he sung,
 And melody flow’d smoothly from his tongue :
 Of June’s gay fruits and August’s corn he told,
 The bloom of April, and December’s cold ;
 † The loves of shepherds, and their harmless cheer
 In every month that decks the varied year.

Now on the flute with equal grace he play’d,
 And his soft numbers died along the shade ;
 The skilful dancers to his accents mov’d,
 And every voice his easy tune approv’d ;

NOTES.

* Colin is the name that Spenser takes in his pastorals ; and Rosalinda is that under which he celebrates his mistress.

† See the Shepherd’s Kalendar.

Ev'n Hyla, blooming maid, admir'd the strain,
While through her bosom shot a pleasing pain.

Now all were hush'd: no rival durst arise;
Pale were their cheeks, and full of tears their eyes.
Menalcas, rising from his flowery seat,
Thus, with a voice majestically sweet,
Address'd th' attentive throng: "Arcadians, hear!
"The sky grows dark, and beamy stars appear:
"Haste to the vale; the bridal bowers prepare,
"And hail with joy Menalcas' tuneful heir.
"Thou, Tityrus, of swains the pride and grace,
"Shall clasp soft Daphne in thy fond embrace:
"And thou, young Colin, in thy willing arms
"Shalt fold my Hyla, fair in native charms:
"O'er these sweet plains divided empire hold,
"And to your latest race transmit an age of gold.
"What splendid visions rise before my sight,
"And fill my aged bosom with delight!
" * Henceforth of wars and conquest shall you sing,
"ARMS AND THE MAN in every clime shall ring:
"Thy muse, bold Maro, Tityrus no more,
"Shall tell of chiefs that left the Phrygian shore,
"Sad Dido's love, and Venus' wandering son,
"The Latians vanquish'd, and Lavinia won.
"And thou, O Colin, heaven-defended youth,
"Shalt hide in fiction's veil the charms of truth;

NOTE.

* This prophecy of Menalcas alludes to the *Æneid* of Virgil, and the *Fairy-Queen* of Spenser.

" Thy

" Thy notes the sting of sorrow shall beguile,
 " And smooth the brow of anguish till it smile;
 " Notes, that a sweet Elysian dream can raise,
 " And lead th' enchanted soul through fancy's maze;
 " Thy verse shall shine with Gloriana's name,
 " And fill the world with Britain's endless fame."

* To Tityrus then he gave the sacred flute,
 And bade his sons their blushing brides salute;
 Whilst all the train a lay of triumph sung,
 Till mountains echo'd, and till valley's rung.

† While thus with mirth they tun'd the nuptial strain,
 A youth, too late, was hastening o'er the plain,
 Clad in a flowing vest of azure hue;
 ‡ Blue were his sandals, and his girdle blue:
 A slave, ill-dress'd and mean, behind him bore
 An osier-basket, fill'd with fishy store;
 The lobster with his sable armour bold;
 The tasteful mullet deck'd with scales of gold;

Bright

IMITATIONS.

* The good old man leaped from his throne, and, after he had embraced him, presented him to his daughter, which caused a general acclamation.

† While they were in the midst of their joy, they were surprised with a very odd appearance. A person, in a blue mantle, crowned with sedges and rushes, stepped into the midst of the ring. He had an angling rod in his hand, a pannier upon his back; and a poor meagre wretch in wet clothes carried some oysters before him. Being asked, whence he came, and

NOTE.

‡ See Sannazaro, Ongaro, Phineas Fletcher, and other writers of piscatory eclogues.

what

Bright perch, the tyrants of the finny breed;
 And greylings sweet, that crop the fragrant weed:
 Among them shells of many a tint appear;
 * The heart of Venus, and her pearly ear;
 The nautilus, on curling billows born;
 And scallops, by the wandering pilgrim worn;
 Some dropp'd with silver, some with purple dye;
 With all the race that seas or streams supply;
 A net and angle o'er his shoulder hung:
 Thus was the stranger clad, and thus he sung:
 "Ah! lovely damsel, leave thy simple sheep;
 "'Tis sweeter in the sea-worn rock to sleep;
 "There shall thy line the scaly shoals betray,
 "And sports, unknown before, beguile the day;
 "To guide o'er rolling waves the dancing skiff,
 "Or pluck the samphire from th' impending cliff:
 "My rapturous notes the blue-ey'd Nereids praise,
 "And silver-footed Naiads hear my lays."
 "To them, Menalcas said, thy numbers pour;
 "Insult our flocks and blissful vales no more."
 He spoke; the heralds knew their sovereign's will,
 And hurl'd the fisher down the sloping hill:

IMITATIONS.

what he was, he told them he was come to invite Amaryllis from the plains to the sea-shore; that his substance consisted in sea-calves; and that he was acquainted with the Nereids and Naiads. "Art thou acquainted with the Naiads?" said Menalcas, "to them shalt thou return." The shepherds immediately hoisted him up as an enemy to Arcadia, and plunged him in the river, where he sunk, and was never heard of since.

NOTE.

* *Venus's heart* and *Venus's ear* are the names of two very beautiful shells.

Headlong

Headlong he plung'd beneath the liquid plain,
 (But not a nymph receiv'd the falling swain);
 Then, dropping, rose; and, like the rushing wind,
 Impetuous fled, nor cast a look behind:
 * He fought the poplar'd banks of winding Po,
 But shunn'd the meads where Ladon's waters flow.

† Ere through nine radiant signs the flaming sun
 His course resplendent in the Zodiack run,
 The royal damsels, bashful now no more,
 Two lovely boys on one glad morning bore;
 From blooming Daphne fair Alexis sprung,
 And Colinet on Hyla's bosom hung;
 Both o'er the vales of sweet Arcadia reign'd,
 And both the manners of their fires retain'd:
 ‡ Alexis, fairer than a morn of May,
 In glades and forests tun'd his rural lay,
 More soft than rills that through the valley flow,
 Or vernal gales that o'er the violets blow;
 He sung the tender woes of artless swains,
 Their tuneful contests, and their amorous pains;

IMITATIONS.

† Amyntas and Amaryllis lived a long and happy life, and governed the vales of Arcadia. Their generation was very long-lived, there having been but four descents in above two thousand years. His heir was called Theocritus, who left his dominions to Virgil. Virgil left his to his son Spenser, and Spenser was succeeded by his eldest-born Philips.

NOTES.

* This alludes to the Latin compositions of Sannazarius; which have great merit in their kind.

‡ See Pope's pastorals.

When

When early spring has wak'd the breathing flowers,
Or winter hangs with frost the silvery bowers :

† But Colinet in ruder numbers tells
The loves of rusticks, and fair-boding spells ;
Sings how they simply pass the livelong day,
And softly mourn, or innocently play.

Since them no shepherd rules th' Arcadian mead,
But silent hangs Menalcas' fatal reed.

NOTE.

* See the Shepherd's Week, of Gay.

When early spring has wak'd the breathing flowers,
 Or winter hangs with frost the livery powers:
 † But Colinet in tender numbers tells
 The loves of rusticks, and fair-boding spells;
 Sings how they snugly pass the livelong day,
 And softly mourn, or innocently play.

Since then no shepherd rules th' Arcadian mead,
 But silent hangs Menalcas' fatal head.

NOTE.

* See the Shepherd's Week, of Gay.

ADVERTISEMENT

CAISSA :

OR,

THE GAME AT CHESS.

A POEM.

WRITTEN IN THE YEAR 1763.

ADVERTISEMENT.

THE first idea of the following piece was taken from a Latin poem of Vida, entitled SCACCHIA LUDUS, which was translated into Italian by Marino, and inserted in the fifteenth Canto of his Adonis : the author thought it fair to make an acknowledgment in the notes for the passages which he borrowed from those two poets ; but he must also do them the justice to declare, that most of the descriptions, and the whole story of Caiſſa, which is written in imitation of Ovid, are his own, and their faults must be imputed to him only. The characters in the poem are no less imaginary than those in the episode ; in which the invention of Chess is poetically ascribed to Mars, though it is certain that the game was originally brought from India.

CAISSA.

* **O**F armies on the chequer'd field array'd,
And guileless war in pleasing form display'd;
When two bold kings contend with vain alarms,
In ivory this, and that in ebon arms;
Sing, sportive maids, that haunt the sacred hill
Of Pindus, and the fam'd Pierian rill.
† Thou, joy of all below, and all above,
Mild Venus, queen of laughter, queen of love;
Leave thy bright island, where on many a rose
And many a pink thy blooming train repose:
Assist me, goddess! since a lovely pair
Command my song, like thee divinely fair.

Near yon cool stream, whose living waters play,
And rise translucent in the solar ray;

IMITATIONS.

* Ludimus effigiem belli, simulataque veris
Prælia, buxo acies fictas, et ludicra regna:
Ut gemini inter se reges, albusque nigerque,
Pro laude oppositi certent bicoloribus armis.
Dicite, Seriades Nymphæ, certamina tanta.

Vida.

† Æneadum genitrix, hominum divûmque voluptas,
Alma Venus! &c.

Lucretius.

Beneath

Beneath the covert of a fragrant bower,
 Where spring's soft influence purpled every flower ;
 Two smiling nymphs reclin'd in calm retreat,
 And envying blossoms crowded round their seat ;
 Here Delia was enthron'd, and by her side
 The sweet Sirena, both in beauty's pride :
 Thus shine two roses, fresh with early bloom,
 That from their native stalk dispense perfume ;
 Their leaves unfolding to the dawning day
 Gems of the glowing mead, and eyes of May.
 A band of youths and damsels sat around,
 Their flowing locks with braided myrtle bound ;
 Agatis, in the graceful dance admir'd,
 And gentle Thyrsis, by the muse inspir'd ;
 With Sylvia, fairest of the mirthful train ;
 And Daphnis, doom'd to love, yet love in vain.
 Now, whilst a purer blush o'erspreads her cheeks,
 With soothing accents thus Sirena speaks :

" The meads and lawns are ting'd with beamy light,
 " And wakeful larks begin their vocal flight ;
 " Whilst on each bank the dewdrops sweetly smile ;
 " What sport, my Delia, shall the hours beguile ?
 " Shall heavenly notes, prolong'd with various art,
 " Charm the fond ear, and warm the rapturous heart ?
 " At distance shall we view the sylvan chace ?
 " Or catch with filken lines the finny race ?"

Then Delia thus : " Or rather, since we meet
 " By chance assembled in this cool retreat,

" In

" In artful contest let our warlike train
 " Move well-directed o'er the colour'd plain ;
 " Daphnis, who taught us first, the play shall guide ;
 " Explain its laws, and o'er the field preside :
 " No prize we need, our ardour to inflame ;
 " We fight with pleasure, if we fight for fame."

The nymph consents : the maids and youths prepare
 To view the combat, and the sport to share ;
 But Daphnis most approv'd the bold design,
 Whom Love instructed, and the tuneful Nine.
 He rose, and on the cedar table plac'd
 A polish'd board, with differing colours grac'd ;
 * Squares eight times eight in equal order lie ;
 These bright as snow, those dark with sable dye ;
 Like the broad target by the tortoise born,
 Or like the hide by spotted panthers worn.
 Then from a chest, with harmless heroes stor'd,
 O'er the smooth plain two well-wrought hosts he pour'd ;
 The champions burn'd their rivals to assail,
 † Twice eight in black, twice eight in milkwhite mail ;

IMITATIONS.

* Sexaginta infunt et quatuor ordine fedes
 Octono ; parte ex omni, via limite quadrat
 Ordinibus paribus ; necnon forma omnibus una
 Sedibus, æquale et spatium, sed non color unus :
 Alternant semper variæ, subeuntque vicissim
 Albentes nigris ; testudo picta superne
 Qualia devexo gestat discrimina tergo. *Vida.*

† Agmina bina pari numeroque, et viribus æquis,
 Bis niveâ cum veste octo, totidemque nigranti.
 Ut variæ facies, pariter sunt et sua cuique
 Nomina, diversum munus, non æqua potestas. *Vida.*

In

In shape and station different, as in name,
 Their motions various, nor their power the same.
 Say, muse ! (for Jove has nought from thee conceal'd)
 Who form'd the legions on the level field?

High in the midst the reverend kings appear,
 And o'er the rest their pearly scepters rear :
 One solemn step, majestically flow,
 They gravely move, and shun the dangerous foe ;
 If e'er they call, the watchful subjects spring,
 And die with rapture if they save their king ;
 On him the glory of the day depends,
 He once imprison'd, all the conflict ends.

The queens exulting near their consorts stand ;
 Each bears a deadly falchion in her hand ;
 Now here, now there, they bound with furious pride,
 And thin the trembling ranks from side to side ;
 Swift as Camilla flying o'er the main,
 Or lightly skimming o'er the dewy plain :
 Fierce as they seem, some bold Plebeian spear
 May pierce their shield, or stop their full career.

The valiant guards, their minds on havock bent,
 Fill the next squares, and watch the royal tent ;
 Though weak their spears, though dwarfish be their height,
 * Compact they move, the bulwark of the fight.

To

NOTE.

* The chief art in the Tactics of Chés consists in the nice conduct of the royal pawns ; in supporting them against every attack ; and, if they are taken, in supplying their places with others equally supported ;

To right and left the martial wings display
 Their shining arms, and stand in close array.
 Behold, four archers, eager to advance,
 Send the light reed, and rush with sidelong glance;
 Through angles ever they assault the foes,
 True to the colour, which at first they chose.
 Then four bold knights for courage fam'd and speed,
 Each knight exalted on a prancing steed:
 * Their arching course no vulgar limit knows,
 Transverse they leap, and aim infidious blows:
 Nor friends, nor foes, their rapid force restrain,
 By one quick bound two changing squares they gain;
 From varying hues renew the fierce attack,
 And rush from black to white, from white to black.
 Four solemn elephants the sides defend;
 Beneath the load of ponderous towers they bend:
 In one unalter'd line they tempt the fight;
 Now crush the left, and now o'erwhelm the right.
 Bright in the front the dauntless soldiers raise
 Their polish'd spears; their steely helmets blaze:

IMITATIONS.

* Il cavallo leggier per dritta lista,
 Come gli altri, l' arringo unqua non fende,
 Mà la lizza attraversa, e fiero in vista
 Curvo in giro, e lunato il salto stende,
 E sempre nel saltar due case acquista,
 Quel colore abbandona, e questo prende.

Marino, Adone. 15.

NOTE.

supported: a principle, on which the success of the game in great measure depends, though it seems to be omitted by the very accurate Vida.

Prepar'd

Prepar'd they stand the daring foe to strike,
Direct their progress, but their wounds oblique.

Now swell th' embattled troops with hostile rage,
And clang their shields, impatient to engage ;
When Daphnis thus : A varied plain behold,
Where fairy kings their mimick tents unfold,
As Oberon, and Mab, his wayward queen,
Lead forth their armies on the daised green.
No mortal hand the wonderous sport contriv'd,
By Gods invented, and from Gods deriv'd ;
* From them the British nymphs receiv'd the game,
And play each morn beneath the crystal Thame ;
Hear then the tale, which they to Colin sung,
As idling o'er the lucid wave he hung.

A lovely Dryad rang'd the Thracian wild,
Her air enchanting, and her aspect mild ;
To chase the bounding hart was all her joy,
Averse from Hymen, and the Cyprian boy ;
O'er hills and valleys was her beauty fam'd,
And fair Caissa was the damsel nam'd.
Mars saw the maid ; with deep surprize he gaz'd,
Admir'd her shape, and every gesture prais'd :
His golden bow the child of Venus bent,
And through his breast a piercing arrow sent :

IMITATIONS.

* Quæ quondam sub aquis gaudent spectacula tueri
Nereides, vastique omnis gens accola ponti ;
Siquando placidum mare, et humida regna quierunt.

Vida.

The

The reed was Hope; the feathers, keen Desire;
 The point, her eyes; the barbs, ethereal fire.
 Soon to the nymph he pour'd his tender strain;
 The haughty Dryad scorn'd his amorous pain:
 He told his woes, where'er the maid he found,
 And still he prefs'd, yet still Caïssa frown'd;
 But ev'n her frowns (ah, what might smiles have done!)
 Fir'd all his soul, and all his senses won.
 He left his car, by raging tigers drawn,
 And lonely wander'd o'er the dusky lawn;
 Then lay desponding near a murmuring stream,
 And fair Caïssa was his plaintive theme.
 A Naiad heard him from her mossy bed,
 And through the crystal rais'd her placid head;
 Then mildly spake: "O thou, whom love inspires,
 " Thy tears will nourish, not allay thy fires.
 " The smiling blossoms drink the pearly dew;
 " And ripening fruit the feather'd race pursue;
 " The scaly shoals devour the filken weeds;
 " Love on our sighs, and on our sorrow feeds.
 " Then weep no more; but, ere thou canst obtain
 " Balm to thy wounds, and solace to thy pain,
 " With gentle art thy martial look beguile;
 " Be mild, and teach thy rugged brow to smile.
 " Canst thou no play, no soothing game devise,
 " To make thee lovely in the damsel's eyes?
 " So may thy prayers assuage the scornful dame,
 " And ev'n Caïssa own a mutual flame."
 " Kind nymph, said Mars, thy counsel I approve,
 " Art, only art, her ruthless breast can move.

“ But when? or how? Thy dark discourse explain :
 “ So may thy stream ne’er swell with gushing rain ;
 “ So may thy waves in one pure current flow,
 “ And flowers eternal on thy border blow !”

To whom the maid replied with smiling mien :
 “ Above the palace of the Paphian queen
 “ * Love’s brother dwells, a boy of graceful port,
 “ By gods nam’d Euphron, and by mortals Sport :
 “ Seek him ; to faithful ears unfold thy grief,
 “ And hope, ere morn return, a sweet relief.
 “ His temple hangs below the azure skies ;
 “ Seest thou yon argent cloud? ’Tis there it lies.”
 This said, she sunk beneath the liquid plain,
 And sought the mansion of her blue-hair’d train.

Meantime the god, elate with heart-felt joy,
 Had reach’d the temple of the sportful boy ;
 He told Caïssa’s charms, his kindled fire,
 The Naiad’s counsel, and his warm desire.
 “ Be swift, he added, give my passion aid ;
 “ A god requests.”—He spake, and Sport obey’d.
 He fram’d a tablet of celestial mold,
 Inlay’d with squares of silver and of gold ;
 Then of two metals form’d the warlike band,
 That here compact in show of battle stand ;

IMITATIONS.

* Ecco d’ astuto ingegno, e pronta mano
 Garzon, che sempre scherza, e vola ratto,
 Gioco s’apella, ed è d’ amor germano.

Marino, *Adone*. 15.

He

He taught the rules that guide the penfive game,
 And call'd it *Cassa* from the Dryad's name :
 (Whence Albion's sons, who most its praise confefs,
 Approv'd the play, and nam'd it thoughtful *Chefs*.)
 The god delighted thank'd indulgent Sport ;
 Then grasp'd the board, and left his airy court.
 With radiant feet he pierc'd the clouds ; nor stay'd,
 Till in the woods he saw the beauteous maid :
 Tir'd with the chase the damsel fat reclin'd,
 Her girdle loose, her bosom unconfin'd.
 He took the figure of a wanton Faun,
 And stood before her on the flowery lawn ;
 Then show'd his tablet : pleas'd the nymph survey'd
 The lifeless troops in glittering ranks display'd ;
 She ask'd the wily sylvan to explain
 The various motions of the splendid train ;
 With eager heart she caught the winning lore,
 And thought ev'n Mars less hateful than before :
 " What spell, said she, deceiv'd my careless mind ?
 " The god was fair, and I was most unkind."
 She spoke, and saw the changing Faun assume
 A milder aspect, and a fairer bloom ;
 His wreathing horns, that from his temples grew,
 Flow'd down in curls of bright celestial hue ;
 The dappled hairs, that veil'd his loveless face,
 Blaz'd into beams, and show'd a heavenly grace ;
 The shaggy hide, that mantled o'er his breast,
 Was soften'd to a smooth transparent vest,
 That through its folds his vigorous bosom show'd,
 And nervous limbs, where youthful ardour glow'd :

Here

(Had

(Had Venus view'd him in those blooming charms,
 Not Vulcan's net had forc'd her from his arms.)
 With goatlike feet no more he mark'd the ground,
 But braided flowers his filken sandals bound.
 The Dryad blush'd; and, as he press'd her, smil'd,
 Whilst all his cares one tender glance beguil'd.

He ends: *To arms*, the maids and striplings cry;
To arms, the groves and founding vales reply.
 Sirena led to war the swarthy crew,
 And Delia those that bore the lily's hue.
 Who first, O muse, began the bold attack;
 The white refulgent, or the mournful black?
 Fair Delia first, as favouring lots ordain,
 Moves her pale legions tow'rd the fable train:
 From thought to thought her lively fancy flies,
 Whilst o'er the board she darts her sparkling eyes.

At length the warrior moves with haughty strides;
 Who from the plain the snowy king divides:
 With equal haste his swarthy rival bounds;
 His quiver rattles, and his buckler sounds:
 Ah! hapless youths, with fatal warmth you burn;
 Laws, ever fix'd, forbid you to return.
 Then from the wing a short-liv'd spearman flies,
 Unsafely bold, and see! he dies, he dies:
 The dark-brow'd hero, with one vengeful blow
 Of life and place deprives his ivory foe.
 Now rush both armies o'er the burnish'd field,
 Hurl the swift dart, and rend the bursting shield.

Here

Here furious knights on fiery courfers prance,
 Here archers spring, and lofty towers advance.
 But see ! the white-rob'd Amazon beholds
 Where the dark host its opening van unfolds :
 Soon as her eye discerns the hostile maid,
 By ebon shield, and ebon helm betray'd ;
 Seven squares she passes with majestick mien,
 And stands triumphant o'er the falling queen.
 Perplex'd, and sorrowing at his consort's fate,
 The monarch burn'd with rage, despair, and hate :
 Swift from his zone th' avenging blade he drew,
 And, mad with ire, the proud virago flew.
 Meanwhile sweet-smiling Delia's wary king
 Retir'd from fight behind his circling wing.

Long time the war in equal balance hung ;
 Till, unforeseen, an ivory courser sprung,
 And, wildly prancing in an evil hour,
 Attack'd at once the monarch and the tower :
 Sirena blush'd ; for, as the rules requir'd,
 Her injur'd sovereign to his tent retir'd ;
 Whilst her lost castle leaves his threatening height,
 And adds new glory to th' exulting knight.

At this, pale fear opprefs'd the drooping maid,
 And on her cheek the rose began to fade :
 A crystal tear, that stood prepar'd to fall,
 She wip'd in silence, and conceal'd from all ;
 From all but Daphnis : He remark'd her pain,
 And saw the weakness of her ebon train ;

Then

Then gently spoke : " Let me your loss supply,
 " And either nobly win, or nobly die ;
 " Me oft has fortune crown'd with fair success,
 " And led to triumph in the fields of Chess."
 He said : the willing nymph her place resign'd,
 And sat at distance on the bank reclin'd.
 Thus when Minerva call'd her chief to arms,
 And Troy's high turret shook with dire alarms,
 The Cyprian goddess wounded left the plain,
 And Mars engag'd a mightier force in vain.

Straight Daphnis leads his squadron to the field;
 (To Delia's arms 'tis ev'n a joy to yield.)
 Each guileful snare, and subtle art he tries,
 But finds his art less powerful than her eyes :
 Wisdom and strength superiour charms obey;
 And beauty, beauty, wins the long-fought day.
 By this a hoary chief, on slaughter bent,
 Approach'd the gloomy king's unguarded tent;
 Where, late, his consort spread dismay around,
 Now her dark corse lies bleeding on the ground.
 Hail, happy youth ! thy glories not unsung
 Shall live eternal on the poet's tongue;
 For thou shalt soon receive a splendid change,
 And o'er the plain with nobler fury range.
 The swarthy leaders saw the storm impend,
 And strove in vain their sovereign to defend :
 Th' invader wav'd his silver lance in air,
 And flew like lightning to the fatal square ;
 His limbs dilated in a moment grew
 To stately height, and widen'd to the view ;

More

More fierce his look, more lion-like his mien,
 Sublime he mov'd, and seem'd a warriour queen.
 As when the fage on some unfolding plant
 Has caught a wandering fly, or frugal ant,
 His hand the microscopick frame applies,
 And lo ! a bright-hair'd monster meets his eyes ;
 He sees new plumes in slender cafes roll'd ;
 Here stain'd with azure, there bedropp'd with gold ;
 Thus, on the alter'd chief both armies gaze,
 And both the kings are fix'd with deep amaze.
 The sword, which arm'd the snow-white maid before,
 He now assumes, and hurls the spear no more ;
 Then springs indignant on the dark-rob'd band,
 And knights and archers feel his deadly hand.
 Now flies the monarch of the fable shield,
 His legions vanquish'd, o'er the lonely field :
 * So when the morn, by rosy coursers drawn,
 With pearls and rubies sows the verdant lawn,
 Whilst each pale star from heaven's blue vault retires,
 Still Venus gleams, and last of all expires.
 He hears, where'er he moves, the dreadful sound ;
Check the deep vales, and *Check* the woods rebound.
 No place remains : he sees the certain fate,
 And yields his throne to ruin, and Checkmate.

IMITATIONS.

- * ——— Medio rex æquore inermis
 Constitit amissis fociis ; velut æthere in alto
 Expulit ardentes flammæ ubi lutea bigis
 Luciferis Aurora, tuus pulcherrimus ignis
 Lucet adhuc, Venus, et cœlo mox ultimus exit.

Vida, ver. 604.

A brighter

A brighter blush o'er spreads the damsel's cheeks,
 And mildly thus the conquer'd stripling speaks:
 "A double triumph, Delia, hast thou won,
 "By Mars protected, and by Venus' son;
 "The first with conquest crowns thy matchless art,
 "The second points those eyes at Daphnis' heart."
 She smil'd; the nymphs and amorous youths arise,
 And own, that beauty gain'd the nobler prize.

Low in their chest the mimic troops were lay'd,
 * And peaceful slept the fable hero's shade.

* A parody of the last line in Pope's translation of the Iliad,

"And peaceful slept the mighty Hector's shade."

CARMINUM LIBER.

I. ODE SINICA.

VIDES ut agros dulce gemmatos lavet
Argenteus rivi latex ;
Virides ut aura stridulo modulamine
Arundines interstrepant :
Sic, sic, amœno cincte virtutum choro
Princeps, amabiliter nites.
Ut maximo labore, & arte maximâ
Effingit artifex ebur,
Sic ad benignitatem amica civium
Blandè figuras pectora.
Ut delicata gemmulam expolit manus
Fulgore lucentem aureo,
Sic civitatem mitium gaudes tuam
Ornare morum lumine.
O quàm verenda micat in oculis lenitas !
Minantur & rident simul.
O quanta pulchro dignitas vultu patet,
Et quantus incessu decor !
Scilicet, amœno cincte virtutum choro
Princeps, amabiliter nites.
Annon per omne, veris instar, seculum
Memoria florescet tui ?

II. ODE PERSICA.

JAM rosa purpureum caput explicat. Adfit, amici,
Suavis voluptatum cohors:

Sic monûere senes.

Nunc læti fumus; at citius læta avolat ætas,

Quin sacra mutemus mero

Stragula nectareo?

Dulcè gemit zephyrus: ridentem mitte puellam,

Quam molli in amplexu tenens

Pocula læta bibam.

Tange chelyn. Sævitur fortuna; at mitte querelas:

Cur non canoros barbiti

Elicimus modulos?

En! florum reginâ nitet rosa. Fundite vini,

Quod amoris extinguat facem,

Nectareos latices.

Suavè loquens Philomela vocor: quî fiat ut umbrâ

Tectus rosarum nexili

(Veris avis) taceam?

O quam verenda micat in oculis lenitas!

Mimantur & rident animi.

O parva pulchro dignus vultu pater,

Et quantas inest in te virtutes!

Scilicet, amice cunctis virtutum choro

AFFER scyphos, & dulcè ridentis meri

Purpureos latices

Effunde largiùs, puer.

Nam

Nam vinum amores lenit adolescentium,
Difficilesque fenum
Emollit ægritudines.
Solem merum æmulatur, & lunam calix;
Nectareis foveat
Dic luna solem amplexibus.
Flammas nitentes sparge: vini scilicet
Fervidioris aquam
Flammæ nitentis æmulam.
Quòd si rosarum fragilis avolat decor,
Sparge, puer, liquidas
Vini rubescentis rosas.
Si devium Philomela deferit nemus,
Pocula læta canant
Non elaboratum melos.
Injuriosæ sperne fortunæ minas;
Lætaque mœstitiam
Depellat informem chelys.
Somnus beatos, somnus amplexûs dabit:
Da mihi dulce merum
Somnum quod alliciat levem.
Dulce est madere vino. Da calices novos,
Ut placidâ madidus
Oblivione perfruar.
Scyphum affer alterum, puer, deinde alterum:
Seu vetitum fuerit,
Amice, seu licitum, bibam.

IV. ODE ARABICA.

AD FABULLUM.

DULCI tristitiam vino lavere, aut, nitente lunâ,
 Multâ reclines in rosâ
 Urgere blandis osculis puellas ;
 Aut, dum prata levi pulsât pede delicata virgo
 Comam renodans auream,
 Molli cupidinis tepere flammâ :
 Aut, dum blanda aures recreat lyra, floreo sub antro
 Ad suave zephyrorum melos
 Rore advocati spargier soporis :
 Hæc ver purpureum dat gaudia, comis & juvenas,
 His, mite dum tempus favet,
 Decet vacare, dumque ridet annus.
 Quicunque aut rerum domini sumus, aut graves coacti
 Curas egestatis pati,
 Debemur asperæ, Fabulle, morti.

V. AD LÆLIUM.

VESTIMENTA tuis grata sororibus,
 Et donem lapides, quos vel alit Tagi
 Fluctus, vel celer undâ
 Ganges auriferâ lavit,
 Læli, si mea sit dives opum domus :
 Quid mittam addubito. Scilicet haud mea

Servo

Servo carmina blandis
 Nympharum auribus insolens,
 Quarum tu potior pectora candidis
 Mulces alloquiis, te potiore amat
 Musa, utcunque puellæ
 Pulsas Æoliæ fides.
 Quin illis acies mittere commodus
 Tornatas meditor, quæ bicoloribus
 Armis conspiciendæ
 Bella innoxia destinant ;
 Qualis propter aquas aut Lacedæmoni
 Eurotæ gelidas, aut Tiberis vada,
 Cornicum manus albis
 Nigrans certat oloribus.
 Cur non sub viridi ludimus ilicis
 Umbrâ suppositi ? Dic veniat genis
 Ridens Lydia pulchris,
 Et saltare decens Chloë :
 Dic reddant mihi me. Ludite, virgines ;
 Me testudineis aut Venerem modis
 Dicente, aut juvenilis
 Telum dulce Cupidinis.

 VI. AD LUNAM.

CŒLI dulcè nitens decus,
 Lentâ lora manu, Cynthia, corripe :
 Pulchræ tecta peto Chloës,
 Et labrum roseo nectare suavius.

Non

Non prædator ut improbus,
 Per sylvas propero, te duce, devias;
 Nec, dum lux radiat tua,
 Ultricem meditor figere cuspidem.
 Quem tu, mitis Amor, semel
 Placatum tepidâ lenieris face,
 Illum deseruit furor,
 Et telum facili decedit è manu.
 Nec delicta per & nefas
 Furtiva immeritus gaudia persequor;
 Blandâ victa Chloë prece
 Peplum rejiciet purpureum libens.

VII. AD VENEREM.

ORO te teneri blanda Cupidinis
 Mater, cœruleis edita fluctibus,
 Quæ grati fruticeta accolis Idali,
 Herbosamque Amathunta, & viridem Cnidon,
 Oro, Pyrrha, meis cedat amoribus,
 Quæ nunc, Tænariâ immitior æsculo,
 Mœrentis Licinî sollicitum melos
 Ridet. Non liquidæ carmine tibiæ,
 Non illam Æoliis illacrymabilem
 Plectris dimoveat, lenis ut arduam
 Cervicem tepidum flectat ad osculum.
 (Quantum est & vacuis nectar in osculis!)
 Quod si carminibus mitior applicet
 Aures illa meis, si (rigidum gelu
 Te solvente) pari me tepeat face,

Te propter liquidum fonticuli vitrum,
Ponam conspicuo marmore lucidam,
Te cantans Paphiam, teque Amathufiam
Pellam gramineum ter pede cespitem,
Tum nigranti hederâ & tempora laureâ
Cingam, tunc hilares eliciam modos :
At nunc me juvenum prætereuntium
Me ridet comitum cœtus amabilis ;
Et ludens puerorum in plateis cohors
Ostendit digitis me, quia langueo
Demissis oculis, me, quia somnia
Abrupta haud facili virgine faucium
Monstrant, & violâ pallidior gena.

VIII. AD EANDEM.

PERFIDO ridens Erycina vultu,
Seu Joci mater, tenerique Amoris,
Seu Paphi regina potens, Cyprique
Laetior audis,
Linque jucundam Cnidon, & coruscum
Dirigens currum levis huc vocanti,
Huc veni, & tecum properet soluto
Crine Thalia.
Jam venis ! nubes placidi serenas
Passeres findunt ; super albicantes
Dum volant sylvas, celeresque versant
Leniter alas.

Rursus

Rurfus ad cœlum fugiunt. Sed almâ
Dulcè subridens facie, loquelam
Melle conditam liquido jacentis

Fundis in aurem.

“ Qua tepes, inquis, Licini, puellâ,

“ Lucidis venanti oculis amantes ?

“ Cur doces mœstas resonare lucum,

“ Care, querelas ?

“ Dona si ridet tua, dona mittet ;

“ Sive te molli roseos per hortos

“ Hinnulo vitat levior, sequetur

“ Ipsa fugacem.”

Per tuos oro, dea mitis, ignes,

Pectus ingratae rigidum Corinnæ

Lenias. Et te, Venus alma, amore

Forfit Adonis.

EX FERDUSII POETÆ PERSICI POEMATE HEROICO.

SAMUS, ut aurato cinctum diademate regem

Vidit ovans, excelsa ferebat ad atria gressum ;

Quem rex ad meritos facilis provexit honores,

Et secum in solio jussit confidere eburneo,

Cælato rutilanti auro, infertisque pyropis.

Magnanimum affatus tum blandâ heroâ loquelâ,

Multa super sociis, super armis multa rogabat,

Jam, quantos aleret tellus Hyrcana gigantes,

Jam, quâ parta manu nova sit victoria Persis :

Cui dux hæc memori parens est voce locutus.

Venimus ad castra hostilis, rex maxime, gentis;
 Gens est dura, ferox; non aspera sævior errat
 Per dumeta leo, non sylvâ tigris in atrâ;
 Non equus in lætis Arabum it velocior agris.
 Cùm subito trepidam pervenit rumor in urbem
 Adventare aciem, queruli per tecta, per arces,
 Auditi gemitûs, & non lætabile murmur:
 Illicet æratâ fulgentes casside turmas
 Eduxere viri; pars vastos fusa per agros,
 Pars monte in rigido, aut depressâ valle sedebat:
 Horruit ære acies, tantæque a pulvere nubes
 Exortæ, ut pulchrum tegeret jubar ætherius sol.
 Quale in arenoso nigrarum colle laborat
 Formicarum agmen, congestaque farra reponit;
 Aut qualis culicum leviter stridentibus alis
 Turba volans, tenues ciet importuna susurros;
 Tales profluere. Nepos ante agmina Salmi
 Cercius emicuit, quo non fuit ardua pinus
 Altior, aut vernans excelso in monte cupressus.
 At Persarum artûs gelidâ formidine solvi
 Arguit & tremor, & laxato in corpore pallor:
 Hoc vidi, & valido torquens hastile lacerto;
 Per medias jussi, duce me, penetrare phalangas;
 Irruit alatus sonipes, ceu torvus in arvis
 Æthiopum latis elephas, neque sensit habenam:
 Militibus vires rediêre, & pristina virtus.
 Ac velut, undantis cùm surgant flumina Nili,
 Et refluant, avidis haud injucunda colonis,
 Pingua frugiferis implentur fluctibus arva;
 Sic terra innumeris agitata est illa catervis:
 Cum strepitum audierit nostrum, ingentemque fragorem

Findentis galeas & ferrea scuta bipennis,
Cercius, horrifico complens loca vasta boatu,
In me flexit equum, me crudeli ense petebat,
Captivumque arcto voluit constringere nodo:
Frustra; nam, lunans habilem nec segniter arcum,
Populeas mihi duro mucrone sagittas,
Flammarum ritu, aut per nubila fulminis acti:
Ille tamen celeri ruit impete, nosque morantes
Increpitat, letum minitans, rigidasve catenas:
Ut verò accessit violenti turbinis instar,
Pulsus ut & clypeus clypeo est, & casside cassis
Illum insurgentem, dirumque infligere vulnus
Conantem, arripui, qua discolor ilia cinxit
Balteus, & rutilis subnexa est fibula baccis.
Strenua tum valido molimine brachia verfans
E stratis evulsi equitem, qui pronus, inermis,
Decidit, & rabido frendens campum ore momordit;
Pectora cui nivea, & ferratâ cuspide costas
Transfodi, madidam defluxit sanguis in herbam
Purpureus, tristisque elapsa est vita sub umbras.
Haud mora, diffugiunt hostes, ductore perempto,
Saxa per & colles; nostris victoria turmis
Affulsit, cæsosque doles, Hyrcania, natos.
Sic pereant, quicumque tuo, rex optime, sceptro,
Qui premis imperio stellas, parere recusent!
Dixit; & heroas Persarum rector ovantes
Laudibus in cælum tollit; jubet inde beatas
Instaurari epulas, & pocula dulcia poni:
Conventum est, textoque super discumbitur auro.

ELEGIA ARABICA.

FULGUR an è densâ vibratum nube coruscat?

An roseas nudat Leila pudica genas?

Bacciferumne celer fruticetum devorat ignis?

Siderea an Solimæ lumina dulcè micant?

Nardus an Hageri, an spirant violaria Meccæ,

Candida odoriferis an venit Azza comis?

Quàm juvat ah ! patrios memori tenuisse recessûs

Mente, per ignotos dum vagor exul agros?

Valle sub umbrosâ, pallens ubi luget amator,

Num colit affuetos mollis amica lares?

Jamne cient raucum præfracta tonitrua murmur

Montibus, effusæ quos rigat imber aquæ?

An tua, dum fundit primum lux alma ruborem,

Lympha, Azibe, meam pellet, ut ante, fitim?

Quot mea felices vidistis gaudia, campi,

Gaudia væ ! misero non renovanda mihi?

Ecquis apud Nagedi lucos aut pascua Tudæ

Pastor amatorum spesque metusque canit?

Ecquis ait, gelidâ Salæ dum valle recumbit,

“ Heu ! quid Cademeo in monte sodalis agit ? ”

Num graciles rident hyemalia frigora myrti?

Num viret in solitis lotos amata locis?

Num vernant humiles in aprico colle myricæ?

Ne malus has oculus, ne mala lædat hyems !

An mea Alegiades, dulcissima turba, puellæ

Curant, an Zephyris irrita vota dabunt?

An viridem saliunt, nullo venante, per hortum

Hinnuleique citi, capreolique leves ?
 Visamne umbriferos, loca dilectissima, saltus,
 Ducit ubi facilem læta Noama chorum ?
 Num Daregi ripas patulâ tegit arbutus umbrâ,
 Ah ! quoties lacrymis humida facta meis ?
 Grata quis antra colit, nobis absentibus, Amri,
 Antra puellarum quàm bene nota gregi ?
 Forſan amatores Meccanâ in valle reductos
 Absentis Solimæ commeminiſſe juvat.
 Tempus erit, levibus quo pervigilata cachinnis
 Nox dabit unanimi gaudia plena choro ;
 Quo dulces juvenum ſpirabit cœtus amores,
 Et lætos avidâ combibet aure modos.

 FABULA PERSICA.

RIGANTE molles imbre campos Perſidis,
 E nube in æquor lapſa pluvix guttula eſt ;
 Quæ, cùm reluctans eloqui ſineret pudor,
 “ Quid hoc loci ? inquit, quid rei miſella ſum ?
 “ Quò me repente, ah ! quò redactam ſentio ? ”
 Cùm ſe verecundanti animulâ ſperneret,
 Illam recepit gemmeo concha in ſinu ;
 Tandemque tenuis aquula facta eſt unio ;
 Nunc in coronâ læta Regis emicat,
 Sibi non placere quanta ſit virtus, docens.

AD MUSAM.

VALE, Camena, blanda cultrix ingenî,
 Virtutis altrix, mater eloquentiæ !
 Linquenda alumno est laurus & chelys tuo:
 At tu dearum dulcium dulcissima,
 Seu Suada mavis five Pitho dicier,
 A te receptus in tuâ vivam fide :
 Mihi fit, oro, non inutilis toga,
 Nec indiferta lingua, nec turpis manus.

ARABIA, I mean that part of it, which we call the Happy, and which the *Arabians* know by the name of *Yemen*, seems to be the only country in the world, in which we can properly say the focus of pastoral poetry: because no nation is so well adapted to the life in the delightfulness of their climate, and the simplicity of their manners. There is a valley, indeed, to the north of *Yemen*, called *Orade*, which, according to an account written by a native of it, is a perfect garden, exceedingly fruitful, and watered by a thousand rivulets: but when its inhabitants were subdued by the strangers of a *Mogul* prince, they lost their happiness with their liberty, and were reduced to a state of slavery, not any rival to dispute it. There are not the fables of a poet: the beauties of *Yemen* are proved by the concurrent testimony of all travellers, by the descriptions of it in all the writings of *Asia*, and by the nature and situation of the country itself, which lies between the elevated and fertile hills of *Arabia*, which yields a most fertile and fruitful soil, and is exposed to the most favourable influence of the sun: it is enclosed on one side by salt rocks and deserts, and defended on the other by a

AD MUSAM.

VALER, Camena, blanda cœliq; ingent;

Virtutis alitæ, mater eloquentiæ!

Linguenta alumnæ est laurus & chelys iuo:

At tu deærum dulcium dulcissima,

Sen suada mavis sive Pitho dicier,

A te receptus in tuâ vivam fides:

Mihi sit, oro, non inaudis toga,

Nec indilerta lingua, nec torpis manus.

is a tempestuous sea, so that it seems to have been designed by Providence for the most beautiful, as well as the most beautiful, region of the East.

AN

ESSAY

ON THE

POETRY OF THE EASTERN NATIONS.

ARABIA, I mean that part of it, which we call the *Happy*, and which the *Asiatics* know by the name of *Yemen*, seems to be the only country in the world, in which we can properly lay the scene of pastoral poetry; because no nation at this day can vie with the *Arabians* in the delightfulness of their climate, and the simplicity of their manners. There is a valley, indeed, to the north of *Indostan*, called *Cashmîr*, which, according to an account written by a native of it, is a perfect garden, exceedingly fruitful, and watered by a thousand rivulets: but when its inhabitants were subdued by the stratagem of a *Mogul* prince, they lost their happiness with their liberty, and *Arabia* retained its old title without any rival to dispute it. These are not the fancies of a poet: the beauties of *Yemen* are proved by the concurrent testimony of all travellers, by the descriptions of it in all the writings of *Asia*, and by the nature and situation of the country itself, which lies between the eleventh and fifteenth degrees of northern latitude, under a serene sky, and exposed to the most favourable influence of the sun; it is enclosed on one side by vast rocks and deserts, and defended on the other by a

tempestuous

tempestuous sea, so that it seems to have been designed by Providence for the most secure, as well as the most beautiful, region of the East*.

Its principal cities are *Sanaa*, usually considered as its metropolis; *Zebid*, a commercial town, that lies in a large plain near the sea of *Omman*; and *Aden*, surrounded with pleasant gardens and woods, which is situated eleven degrees from the *Equator*, and seventy-six from the *Fortunate Islands*, or *Canaries*, where the geographers of *Asia* fix their first meridian. It is observable that *Aden*, in the Eastern dialects, is precisely the same word with *Eden*, which we apply to the garden of paradise: it has two senses, according to a slight difference in its pronunciation; its first meaning is *a settled abode*, its second, *delight*, *softness*, or *tranquillity*: the word *Eden* had, probably, one of these senses in the sacred text, though we use it as a proper name. We may also observe in this place that *Yemen* itself takes its name from a word, which signifies *verdure*, and *felicity*; for in those sultry climates, the freshness of the shade, and the coolness of water, are ideas almost inseparable from that of happiness; and this may be a reason why most of the *Oriental* nations agree in a tradition concerning a delightful spot, where the first inhabitants of the earth were placed before their fall. The ancients, who gave the name of *Eudaimon*, or *Happy*, to this country, either meant to translate the word *Yemen*, or, more probably, only alluded to the valuable spice-trees, and balsamick plants, that grow in it, and,

*I am at a loss to conceive, what induced the illustrious Prince *Cantemir* to contend, that *Yemen* is properly a part of *India*; for, not to mention *Ptolemy*, and the other ancients, who considered it as a province of *Arabia*, nor to insist on the language of the country, which is pure *Arabick*, it is described by the *Asiatics* themselves as a large division of that peninsula which they call *Jezeiratul Arab*; and there is no more reason for annexing it to *India*, because the sea, which washes one side of it, is looked upon by some writers as belonging to the great *Indian* ocean, than there would be for annexing it to *Persia*, because it is bounded on another side by the *Persian* gulf.

without

without speaking poetically, give a real perfume to the air *: now it is certain that all poetry receives a very considerable ornament from the beauty of natural images; as the roses of *S Sharon*, the verdure of *Carmel*, the vines of *Engaddi*, and the dew of *Hermon*, are the sources of many pleasing metaphors and comparisons in the sacred poetry: thus the odours of *Yemen*, the musk of *Hadramut*, and the pearls of *Omman*, supply the *Arabian* poets with a great variety of allusions; and, if the remark of *Hermogenes* be just, that whatever is *delightful to the senses* produces the *Beautiful* when it is described, where can we find so much beauty as in the *Eastern* poems, which turn chiefly upon the loveliest objects in nature?

To pursue this topick yet farther: it is an observation of *Demetrius* of *Phalera*, in his elegant treatise upon style, that it is not easy to write on agreeable subjects in a disagreeable manner, and that beautiful expressions naturally rise with beautiful images; for which reason, says he, nothing can be more pleasing than *Sappho's* poetry, which contains the description of gardens, and banquets, flowers and fruits, fountains and meadows, nightingales and turtle-doves, loves and graces: thus, when she speaks of a stream softly murmuring among the branches, and the Zephyrs playing through the leaves, with a sound, that brings on a quiet slumber, her lines flow without labour as smoothly as the rivulet she describes. I may have altered the words of *Demetrius*, as I quote them by memory, but this is the general sense of his remark, which, if it be not rather specious than just, must induce us to think, that the poets of the *East* may vie with those of *Europe* in the graces of their diction, as well as in the liveliness of their images: but we must not believe that the *Arabian*

* The writer of an old history of the *Turkish Empire* says, "The air of *Egypt* sometimes in summer is like any sweet perfume, and almost suffocates the spirits, caused by the wind that brings the odours of the *Arabian spices*."

poetry can please only by its descriptions of *beauty*; since the gloomy and terrible objects, which produce the *sublime*, when they are aptly described, are no where more common than in the *Desert* and *Stony Arabia's*; and, indeed, we see nothing so frequently painted by the poets of those countries, as wolves and lions, precipices and forests, rocks and wildernesses.

If we allow the natural objects, with which the *Arabs* are perpetually conversant, to be *sublime*, and *beautiful*, our next step must be, to confess that their comparisons, metaphors, and allegories are so likewise; for an allegory is a string of metaphors, a metaphor is a short simile, and the finest similes are drawn from natural objects. It is true that many of the *Eastern* figures are common to other nations, but some of them receive a propriety from the manners of the *Arabians*, who dwell in the plains and woods, which would be lost, if they came from the inhabitants of cities: thus *the dew of liberality*, and *the odour of reputation*, are metaphors used by most people; but they are wonderfully proper in the mouths of those, who have so much need of being refreshed by *the dews*, and who gratify their sense of smelling with the *sweetest odours* in the world. Again; it is very usual in all countries, to make frequent allusions to the brightness of the celestial luminaries, which give their light to all; but the metaphors taken from them have an additional beauty, if we consider them as made by a nation, who pass most of their nights in the open air, or in tents, and consequently see the moon and stars in their greatest splendour. This way of considering their poetical figures will give many of them a grace, which they would not have in our languages: so, when they compare *the foreheads of their mistresses to the morning*, *their locks to the night*, *their faces to the sun*, *to the moon*, or *the blossoms of jasmine*, *their cheeks to roses or ripe fruit*, *their teeth to pearls, hail-stones, and snow-drops*, *their eyes to the flowers of the narcissus*, *their curled hair to black scorpions*, and *to hyacinths*, *their lips to rubies or wine*,

the

the form of their breasts to pomegranates, and the colour of them to snow, their shape to that of a pine-tree, and their stature to that of a cypress, a palm-tree, or a javelin, &c. † these comparisons, many of which would seem forced in our idioms, have undoubtedly a great delicacy in theirs, and affect their minds in a peculiar manner; yet upon the whole their similies are very just and striking, as that of the blue eyes of a fine woman, bathed in tears, to violets dropping with dew ‡, and that of a warrior, advancing at the head of his army, to an eagle sailing through the air, and piercing the clouds with his wings.

These are not the only advantages, which the natives of *Arabia* enjoy above the inhabitants of most other countries: they preserve to this day the manners and customs of their ancestors, who, by their own account, were settled in the province of *Yemen* above three thousand years ago; they have never been wholly subdued by any nation; and though the admiral of *Selim the First* made a descent on their coast, and exacted a tribute from the people of *Aden*, yet the *Arabians* only keep up a show

† See *Norweiri*, cited by the very learned *Reiske*.

فشبهوا الجبين بالصباح والشعور بالليالي والوجه بالشبس والقبر
وشبهوا الخدود بالورد والتفاح وشبهوا الثغور بالاقحوان والعيون
بالنرجس واللحم بالعقارب &c.

‡ See the *Arabick Miscellany*, entitled *Sbecardán*, ch. 14.

قال ابن الرومي
رايت البنفسج في روضة
واحداقه للندا شاهرة *
يحاكي بها الزهر زرق العيون
واجفانها بالبكا قاطرة *

of

of allegiance to the Sultan, and act, on every important occasion, in open defiance of his power, relying on the swiftness of their horses, and the vast extent of their forests, in which an invading enemy must soon perish: but here I must be understood to speak of those *Arabians*, who, like the old *Nomades*, dwell constantly in their tents, and remove from place to place according to the seasons; for the inhabitants of the cities, who traffick with the merchants of Europe in spices, perfumes, and coffee, must have lost a great deal of their ancient simplicity: the others have, certainly, retained it; and, except when their tribes are engaged in war, spend their days in watching their flocks and camels, or in repeating their native songs, which they pour out almost extempore, professing a contempt for the stately pillars, and solemn buildings of the cities, compared with the natural charms of the country, and the coolness of their tents: thus they pass their lives in the highest pleasure, of which they have any conception, in the contemplation of the most delightful objects, and in the enjoyment of perpetual spring; for we may apply to part of *Arabia* that elegant couplet of *Waller* in his poem of the *Summer-island*,

The gentle spring, that but salutes us here,
Inhabits there, and courts them all the year.

Yet the heat of the sun, which must be very intense in a climate so near the Line, is tempered by the shade of the trees, that overhang the valleys, and by a number of fresh streams, that flow down the mountains. Hence it is, that almost all their notions of *felicity* are taken from *freshness* and *verdure*: it is a maxim among them that the three most charming objects in nature are, * *a green meadow, a clear rivulet, and a beautiful*

* See the life of *Tamerlane*, published by *Goliush*, page 299.

الماء والخضرة والوجه الحسن

woman,

woman, and that the view of these objects at the same time affords the greatest delight imaginable. *Mahomed* was so well acquainted with the maxim of his countrymen, that he described the pleasures of heaven to them, under the allegory of *cool fountains, green towers, and black-eyed girls*, as the word *Houri* literally signifies in *Arabick*; and in the chapter of the *Morning*, towards the end of his *Alcoran*, he mentions a garden, called *Irem*, which is no less celebrated by the *Asiatick* poets than that of the *Hesperides* by the *Greeks*: it was planted, as the commentators say, by a king, named *Shedad*, and was once seen by an *Arabian*, who wandered very far into the deserts in search of a lost camel: it was, probably, a name invented by the impostor, as a type of a future state of happiness. Now it is certain that the genius of every nation is not a little affected by their climate; for, whether it be that the immoderate heat disposes the *Eastern* people to a life of indolence, which gives them full leisure to cultivate their talents, or whether the sun has a real influence on the imagination (as one would suppose that the Ancients believed, by their making *Apollo* the god of poetry); whatever be the cause, it has always been remarked, that the *Asiatics* excel the inhabitants of our colder regions in the liveliness of their fancy, and the richness of their invention.

To carry this subject one step farther: as the *Arabians* are such admirers of *beauty*, and as they enjoy such ease and leisure, they must naturally be susceptible of *that passion*, which is the true spring and source of agreeable poetry; and we find, indeed, that *love* has a greater share in their poems than any other passion: it seems to be always uppermost in their minds, and there is hardly an elegy, a panegyrick, or even a satire, in their language, which does not begin with the complaints of an unfortunate, or the exultations of a successful, lover. It sometimes happens, that the young men of one tribe are in love with the damsels of another; and, as the tents are frequently removed on a sudden, the
lovers

lovers are often separated in the progress of the courtship: hence almost all the *Arabick* poems open in this manner; the author bewails the sudden departure of his mistress, Hinda, Maia, Zeineb, or Azza, and describes her beauty, comparing her to a wanton fawn, that plays among the aromatick shrubs; his friends endeavour to comfort him, but he refuses consolation; he declares his resolution of visiting his beloved, though the way to her tribe lie through a dreadful wilderness, or even through a den of lions; here he commonly gives a description of the horse or camel, upon which he designs to go, and thence passes, by an easy transition, to the principal subject of his poem, whether it be the praise of his own tribe, or a satire on the timidity of his friends, who refuse to attend him in his expedition; though very frequently the piece turns wholly upon love. But it is not sufficient that a nation have a genius for poetry, unless they have the advantage of a rich and beautiful language, that their expressions may be worthy of their sentiments; the *Arabians* have this advantage also in a high degree: their language is expressive, strong, sonorous, and the most copious, perhaps, in the world; for, as almost every tribe had many words appropriated to itself, the poets, for the convenience of their measure, or sometimes for their singular beauty, made use of them all, and, as the poems became popular, these words were by degrees incorporated with the whole language, like a number of little streams, which meet together in one channel, and, forming a most plentiful river, flow rapidly into the sea.

If this way of arguing *à priori* be admitted in the present case (and no single man has a right to infer the merit of the *Eastern* poetry from the poems themselves, because no single man has a privilege of judging for all the rest), if the foregoing argument have any weight, we must conclude that the *Arabians*, being perpetually conversant with the most beautiful objects, spending a calm and agreeable life in a fine climate, being extremely addicted to the softer passions, and having the advantage
of

of a language singularly adapted to poetry, must be naturally excellent poets, provided that their *manners* and *customs* be favourable to the cultivation of that art; and that they are highly so, it will not be difficult to prove.

The fondness of the *Arabians* for poetry, and the respect which they show to poets, would be scarce believed, if we were not assured of it by writers of great authority: the principal occasions of rejoicing among them, were formerly, and, very probably, are to this day, the birth of a boy, the foaling of a mare, the arrival of a guest, and the rise of a poet in their tribe: when a young *Arabian* has composed a good poem, all the neighbours pay their compliments to his family, and congratulate them upon having a relation capable of recording their actions, and of recommending their virtues to posterity. At the beginning of the seventh century, the *Arabick* language was brought to a high degree of perfection by a sort of poetical Academy, that used to assemble at stated times, in a place called *Ocadh*, where every poet produced his best composition, and was sure to meet with the applause that it deserved: the most excellent of these poems were transcribed in characters of gold upon *Egyptian* paper, and hung up in the temple, whence they were named *Modhabebat*, or *Golden*, and *Moallakat*, or *Suspended*: the poems of this sort were called *Casseida's* or *eclogues*, * seven of which are preserved in our libraries, and are considered as the finest that were written before the time of *Mahomed*. The fourth of them, composed by *Lebid*, is purely pastoral, and extremely like the *Alexis* of *Virgil*, but far more beautiful, because it is more agreeable to nature: the poet begins with praising the charms of the fair *Novâra* (a word, which in *Arabick*

* These seven poems, clearly transcribed with explanatory notes, are among *Pocock's* manuscripts at *Oxford*, No. 164: the names of the seven poets are *Amralkeis*, *Tarafa*, *Zobeir*, *Lebid*, *Antara*, *Amru*, and *Hareth*. In the same collection, No. 174, there is a manuscript, containing above forty other poems, which had the honour of being suspended in the temple at *Mecca*: this volume is an inestimable treasure of ancient *Arabick* literature.

signifies a timorous fawn) but inveighs against her unkindness; he then interweaves a description of his young camel, which he compares for its swiftness to a stag pursued by the hounds; and takes occasion afterwards to mention his own riches, accomplishments, liberality, and valour, his noble birth, and the glory of his tribe: the diction of this poem is easy and simple, yet elegant, the numbers flowing and musical, and the sentiments wonderfully natural; as the learned reader will see by the following passage, which I shall attempt to imitate in verse, that the merit of the poet may not be wholly lost in a verbal translation:

*But ah! thou know'st not in what youthful play
Our nights, beguil'd with pleasure, swam away;
Gay songs, and cheerful tales, deceiv'd the time,
And circling goblets made a tuneful chime;
Sweet was the draught, and sweet the blooming maid,
Who touch'd her lyre beneath the fragrant shade;
We sip'd till morning purpled ev'ry plain;
The damsels slumber'd, but we sip'd again:
The waking birds, that sung on ev'ry tree
Their early notes, were not so blithe as we*.*

* In Arabick.

بل انت لا تدريين كم من ليلة
طلق لذيذ لهوها وندامها
قد بت سامرها وغاية تاجر
وافيت ان رفعت وعز مدامها
بصبوح صافية وجذب كرينة
بهواتر تاتا له معاً ابهامها
باكرت حاجتها الدجاج بسحرة
لاعل منها حين هب نيامها

The

The *Mahomedan* writers tell a story of this poet, which deserves to be mentioned here : it was a custom, it seems, among the old *Arabians*, for the most eminent versifiers to hang up some chosen couplets on the gate of the temple, as a publick challenge to their brethren, who strove to answer them before the next meeting at *Ocadh*, at which time the whole assembly used to determine the merit of them all, and gave some mark of distinction to the author of the finest verses. Now *Lebid*, who, we are told, had been a violent opposer of *Mahomed*, fixed a poem on the gate, beginning with the following distich, in which he apparently meant to reflect upon the new religion : *Are not all things vain, which come not from God? and will not all honours decay, but those, which He confers* * ? These lines appeared so sublime, that none of the poets ventured to answer them ; till *Mahomed*, who was himself a poet, having composed a new chapter of his *Alcoran* (the second, I think), placed the opening of it by the side of *Lebid's* poem, who no sooner read it, than he declared it to be something divine, confessed his own inferiority, tore his verses from the gate, and embraced the religion of his rival ; to whom he was afterwards extremely useful in replying to the satires of *Amralkeis*, who was continually attacking the doctrine of *Mahomed* : the *Asiaticks* add, that their lawgiver acknowledged some time after, that no heathen poet had ever produced a nobler distich than that of *Lebid* just quoted.

There are a few other collections of ancient *Arabick* poetry ; but the most famous of them is called *Hamása*, and contains a number of *epigrams*, *odes*, and *elegies*, composed on various occasions : it was compiled

* In *Arabick*,

الاكل شيء ما خلا الله باطل
وكل نعيم لا محالة زائل

by *Abu Temam*, who was an excellent poet himself, and used to say, that *fine sentiments delivered in prose were like gems scattered at random, but that, when they were confined in a poetical measure, they resembled bracelets and strings of pearls* *. When the religion and language of *Mahomed* were spread over the greater part of *Asia*, and the maritime countries of *Africa*, it became a fashion for the poets of *Persia*, *Syria*, *Egypt*, *Mauritania*, and even of *Tartary*, to write in *Arabick*; and the most beautiful verses in that idiom, composed by the brightest genius's of those nations, are to be seen in a large miscellany, entitled *Yateima*; though many of their works are transcribed separately: it will be needless to say much on the poetry of the *Syrians*, *Tartarians*, and *Africans*, since most of the arguments, before used in favour of the *Arabs*, have equal weight with respect to the other *Mahomedans*, who have done little more than imitate their style, and adopt their expressions; for which reason also I shall dwell the shorter time on the genius and manners of the *Persians*, *Turks*, and *Indians*.

The great empire, which we call *PERSIA*, is known to its natives by the name of *Iran*; since the word *Persia* belongs only to a particular province, the ancient *Persis*, and is very improperly applied by us to the whole kingdom: but, in compliance with the custom of our geographers, I shall give the name of *Persia* to that celebrated country, which lies on one side between the *Caspian* and *Indian* seas, and extends on the other from the mountains of *Candahar*, or *Paropamisus*, to the conflu-

* In *Arabick*,

ان القوافي والمساغي لم تزل
مثل النظام اذا اصاب فريدا
هي جوهر نثر فان الغته
فالشعر صار قلايدا وعقودا

ence

ence of the rivers *Cyrus* and *Araxes*, containing about twenty degrees from south to north, and rather more from east to west.

In so vast a tract of land there must needs be a great variety of climates: the southern provinces are no less unhealthy and sultry, than those of the north are rude and unpleasant; but in the interior parts of the empire the air is mild and temperate, and, from the beginning of May to September, there is scarce a cloud to be seen in the sky: the remarkable calmness of the summer nights, and the wonderful splendour of the moon and stars in that country, often tempt the *Persians* to sleep on the tops of their houses, which are generally flat, where they cannot but observe the figures of the constellations, and the various appearances of the heavens; and this may in some measure account for the perpetual allusions of their poets, and rhetoricians, to the beauty of the heavenly bodies. We are apt to censure the oriental style for being so full of metaphors taken from the sun and moon: this is ascribed by some to the bad taste of the *Asiatics*; *the works of the Persians*, says *M. de Voltaire*, *are like the titles of their kings, in which the sun and moon are often introduced*: but they do not reflect, that every nation has a set of images, and expressions, peculiar to itself, which arise from the difference of its climate, manners, and history. There seems to be another reason for the frequent allusions of the *Persians* to the sun, which may, perhaps, be traced from the old language and popular religion of their country: thus *Mibridâd*, or *Mithridates*, signifies *the gift of the sun*, and answers to the *Theodorus* and *Diodati* of other nations. As to the titles of the *Eastern* monarchs, which seem, indeed, very extravagant to our ears, they are merely formal, and no less void of meaning than those of *European* princes, in which *serenity* and *highness* are often attributed to the most gloomy, and low-minded of men.

The midland provinces of *Persia* abound in fruits and flowers of almost every kind, and, with proper culture, might be made the garden
of

of *Asia*: they are not watered, indeed, by any considerable river, since the *Tigris* and *Euphrates*, the *Cyrus* and *Araxes*, the *Oxus*, and the five branches of the *Indus*, are at the farthest limits of the kingdom; but the natives, who have a turn for agriculture, supply that defect by artificial canals, which sufficiently temper the dryness of the soil; but in saying they *supply* that defect, I am falling into a common error, and representing the country, not as it *is* at present, but as it *was* a century ago; for a long series of civil wars and massacres have now destroyed the chief beauties of *Persia*, by stripping it of its most industrious inhabitants.

The same difference of climate, that affects the air and soil of this extensive country, gives a variety also to the persons and temper of its natives: in some provinces they have dark complexions, and harsh features; in others they are exquisitely fair, and well made; in some others, nervous and robust: but the general character of the nation is that *softness*, and *love of pleasure*, that *indolence*, and *effeminacy*, which have made them an easy prey to all the western and northern swarms, that have from time to time invaded them. Yet they are not wholly void of martial spirit; and, if they are not naturally brave, they are at least extremely docile, and might, with proper discipline, be made excellent soldiers: but the greater part of them, in the short intervals of peace that they happen to enjoy, constantly sink into a state of inactivity, and pass their lives in a pleasurable, yet studious, retirement; and this may be one reason, why *Persia* has produced more writers of every kind, and chiefly *poets*, than all *Europe* together, since their way of life gives them leisure to pursue those arts, which cannot be cultivated to advantage, without the greatest calmness and serenity of mind. There is a manuscript at *Oxford* *, containing *the lives of an hundred and thirty-*

* In Hyperoo Bodl. 128. There is a prefatory discourse to this curious work, which comprises the lives of ten *Arabian* poets.

five of the finest Persian poets, most of whom left very ample collections of their poems behind them : but the versifiers, and *moderate poets*, if *Horace* will allow any such men to exist, are without number in *Persia*.

This delicacy of their lives and sentiments has insensibly affected their language, and rendered it the softest, as it is one of the richest, in the world : it is not possible to convince the reader of this truth, by quoting a passage from a *Persian* poet in *European* characters ; since the sweetness of sound cannot be determined by the sight, and many words, which are soft and musical in the mouth of a *Persian*, may appear harsh to our eyes, with a number of consonants and gutturals : it may not, however, be absurd to set down in this place, an Ode of the poet *Hafez*, which, if it be not sufficient to prove the delicacy of his language, will at least show the liveliness of his poetry :

Ai bad nesîmi yârdari,

Zan nefbeî mushcbâr dari :

Zinbar mecun diraz-desti !

Ba turreî o che câr dari ?

Ai gul, to cujâ wa ruyi zeibash.

O taza, wa to kharbâr dari.

Nerkes, to cujâ wa cheshmi mestesh ?

O serkbosh, wa to khumâr dari.

Ai seru, to ba kaddi bulendesb,

Der bagb che iytebâr dari ?

Ai akl, to ba wujûdi ishkesb

Der dest che ikhtiyâr dari ?

Riban, to cujâ wa khatti sebzesb ?

O mushc, wa to ghubâr dari.

Ruzi bures bewasli Hafiz,

Gber takati yntizâr dari.

That

That is, word for word, O sweet gale, thou bearest the fragrant scent of my beloved; thence it is that thou hast this musky odour. Beware! do not steal: what hast thou to do with her tresses? O rose, what art thou, to be compared with her bright face? She is fresh, and thou art rough with thorns. O narcissus, what art thou in comparison of her languishing eye? Her eye is only sleepy, but thou art sick and faint. O pine, compared with her graceful stature, what honour hast thou in the garden? O wisdom, what wouldst thou choose, if to choose were in thy power, in preference to her love? O sweet basil, what art thou, to be compared with her fresh cheeks? They are perfect musk, but thou art soon withered. Come, my beloved, and charm Hafez with thy presence, if thou canst but stay with him for a single day. This little song is not unlike a sonnet ascribed to Shakespeare, which deserves to be cited here, as a proof that the Eastern imagery is not so different from the European as we are apt to imagine.

The forward violet thus did I chide:

“ Sweet thief! whence didst thou steal thy sweet that smells,

“ If not from my love’s breath? The purple pride,

“ Which on thy soft cheek for complexion dwells,

“ In my love’s veins thou hast too grossly dyed.”

The lily I condemned for thy hand,

And buds of marjoram had stol’n thy hair;

The roses fearfully on thorns did stand,

One blushing shame, another white despair;

A third, nor red, nor white had stol’n of both,

And to his robb’ry had annex’d thy breath;

But for his theft, in pride of all his growth,

A vengeful canker eat him up to death.

More flow’rs I noted, yet I none could see,

But scent or colour it had stol’n from thee.

Shakespeare’s Poems, p. 207.

The

The *Persian* style is said to be ridiculously bombast, and this fault is imputed to the slavish spirit of the nation, which is ever apt to magnify the objects that are placed above it: there are bad writers, to be sure, in every country, and as many in *Asia* as elsewhere; but if we take the pains to learn the *Persian* language, we shall find that those authors, who are generally esteemed in *Persia*, are neither slavish in their sentiments, nor ridiculous in their expressions: of which the following passage in a moral work of *Sadi*, entitled *Bostán*, or, *The Garden*, will be a sufficient proof. *I have heard that king Nushirvan, just before his death, spoke thus to his son Hormuz: Be a guardian, my son, to the poor and helpless; and be not confined in the chains of thy own indolence. No one can be at ease in thy dominion, while thou seekest only thy private rest, and sayest, It is enough. A wise man will not approve the shepherd, who sleeps, while the wolf is in the fold. Go, my son, protect thy weak and indigent people; since through them is a king raised to the diadem. The people are the root, and the king is the tree that grows from it; and the tree, O my son, derives its strength from the root *.*

Are

* شنیدم که در وقت نزع روان
 بهرمز چنین گفت نوشیروان
 که خاطر نگهدار درویش باش
 نه در بند اسایش خویش باش
 نیاساید اندر دیار تو کس
 چو اسایش خویش خواهی و بس
 نیاید بنزدیک دانا پسند
 شبان خفته و کرک در کوسفند
 برو پاس درویش محتاج دار
 که شاه از رعیت بود تاجدار

رعیت

Are these mean sentiments, delivered in pompous language? Are they not rather worthy of our most spirited writers? And do they not convey a fine lesson for a young king? Yet *Sadi's* poems are highly esteemed at *Constantinople*, and at *Ispahan*; though, a century or two ago, they would have been suppressed in *Europe*, for spreading with too strong a glare the light of liberty and reason.

As to the great Epick poem of *Ferdusi*, which was composed in the tenth century, it would require a very long treatise, to explain all its beauties with a minute exactness. The whole collection of that poet's works is called *Shahnâma*, and contains the history of *Persia*, from the earliest times to the invasion of the *Arabs*, in a series of very noble poems; the longest and most regular of which is an heroick poem of one great and interesting action, namely, *the delivery of Persia by Cyrus* from the oppressions of *Afrasiab*, king of the *Transoxan Tartary*, who being assisted by the emperors of *India* and *China*, together with all the dæmons, giants, and enchanters of *Asia*, had carried his conquests very far, and become exceedingly formidable to the *Persians*. This poem is longer than the *Iliad*; the characters in it are various and striking; the figures bold and animated; and the diction every where sonorous, yet noble; polished, yet full of fire. A great profusion of learning has been thrown away by some criticks, in comparing *Homer* with the heroick poets, who have succeeded him; but it requires very little judgment to see, that no succeeding poet whatever can with any propriety be compared with *Homer*: that great father of the *Grecian* poetry and literature, had a genius too fruitful and comprehensive to let any of the striking parts of nature escape his observation; and the poets, who

رعیت چو بیخست و سلطان درخت
درخت ای پسر باشد از بیخ سخت

have

have followed him, have done little more than transcribe his images, and give a new dress to his thoughts. Whatever elegance and refinements, therefore, may have been introduced into the works of the moderns, the spirit and invention of *Homer* have ever continued without a rival: for which reasons I am far from pretending to assert that the poet of *Persia* is equal to that of *Greece*; but there is certainly a very great resemblance between the works of those extraordinary men: both drew their images from nature herself, without catching them only by reflection, and painting, in the manner of the modern poets, *the likeness of a likeness*; and both possessed, in an eminent degree, *that rich and creative invention, which is the very soul of poetry*.

As the *Persians* borrowed their poetical measures, and the forms of their poems from the *Arabians*, so the *TURKS*, when they had carried their arms into *Mesopotamia* and *Assyria*, took their numbers and their taste for poetry from the *Persians*;

Græcia capta ferum victorem cepit, et artes

Intulit agresti Latio.

In the same manner as the *Greek* compositions were the models of all the *Roman* writers, so were those of *Persia* imitated by the *Turks*, who considerably polished and enriched their language, naturally barren, by the number of simple and compound words, which they adopted from the *Persian* and *Arabick*. Lady *Wortley Montague* very justly observes, that *we want those compound words, which are very frequent and strong in the Turkish language*; but her interpreters led her into a mistake in explaining one of them, which she translates *stag-eyed*, and thinks *a very lively image of the fire and indifference in the eyes of the royal bride*: now it never entered into the mind of an *Asiatick* to compare his mistress's eyes to those of a stag, or to give an image of their *fire and indifference*;

the *Turks* mean to express that *fullness*, and, at the same time, that *soft and languishing lustre*, which is peculiar to the eyes of their beautiful women, and which by no means resembles the unpleasing wildness in those of a stag. The original epithet, I suppose, was * *Abû cheshm*, or, *with the eyes of a young fawn*: now I take the *Abû* to be the same animal with the *Gazâl* of the *Arabians*, and the *Zabi* of the *Hebrews*, to which their poets allude in almost every page. I have seen one of these animals; it is a kind of antelope, exquisitely beautiful, with eyes uncommonly black and large. This is the same sort of roe, to which *Solomon* alludes in this delicate simile: *Thy two breasts are like two young roes, that are twins, which play among the lilies.*

A very polite scholar, who has lately translated sixteen Odes of *Hafiz*, with learned illustrations, blames the *Turkish* poets for copying the *Persians* too servilely: but, surely, they are not more blameable than *Horace*, who not only imitated the measures and expressions of the *Greeks*, but even translated, almost word for word, the brightest passages of *Alcæus*, *Anacreon*, and others; he took less from *Pindar* than from the rest, because the wildness of his numbers, and the obscurity of his allusions, were by no means suitable to the genius of the *Latin* language: and this may, perhaps, explain his ode to *Julius Antonius*, who might have advised him to use more of *Pindar's* manner in celebrating the victories of *Augustus*. Whatever we may think of this objection, it is certain that the *Turkish* empire has produced a great number of poets; some of whom had no small merit in their way: the ingenious author just mentioned assured me, that the *Turkish* satires of *Rubi Bagdadi* were very forcible and striking, and he mentioned the

* This epithet seems to answer to the *Greek* ἰλικύπτις, which our grammarians properly interpret *Quæ nigris oculis decora est et venusta*: if it were permitted to make any innovations in a dead language, we might express the *Turkish* adjective by the word ἰλικύπτις, which would, I dare say, have sounded agreeably to the *Greeks* themselves.

opening of one of them, which seemed not unlike the manner of *Juvenal*. At the beginning of the last century, a work was published at *Constantinople*, containing the finest verses of *five hundred and forty-nine Turkish poets*, which proves at least that they are singularly fond of this art, whatever may be our opinion of their success in it.

The descendants of *Tamerlane* carried into *India* the language and poetry of the *Persians*; and the *Indian* poets to this day compose their verses in imitation of them. The best of their works, that have passed through my hands, are those of *Huzein*, who lived some years ago at *Benares*, with a great reputation for his parts and learning, and was known to the *English*, who resided there, by the name of *the Philosopher*. His poems are elegant and lively, and one of them, *on the departure of his friends*, would suit our language admirably well, but it is too long to be inserted in this essay. The *Indians* are soft and voluptuous, but artful and insincere, at least to the *Europeans*, whom, to say the truth, they have had no great reason of late years to admire for the opposite virtues: but they are fond of poetry, which they learned from the *Persians*, and may, perhaps, before the close of the century, be as fond of a more formidable art, which they will learn from the *English*.

I must request, that, in bestowing these praises on the writings of *Asia*, I may not be thought to derogate from the merit of the *Greek* and *Latin* poems, which have justly been admired in every age; yet I cannot but think that our *European* poetry has subsisted too long on the perpetual repetition of the same images, and incessant allusions to the same fables: and it has been my endeavour for several years to inculcate this truth, that, if the principal writings of the *Asiatics*, which are repositied in our publick libraries, were printed with the usual advantage of notes and illustrations, and if the languages of the *Eastern* nations were studied in our great seminaries of learning, where every other
branch

branch of useful knowledge is taught to perfection, a new and ample field would be opened for speculation; we should have a more extensive insight into the history of the human mind; we should be furnished with a new set of images and similitudes; and a number of excellent compositions would be brought to light, which future scholars might explain, and future poets might imitate.

ESSAY

ON

THE ARTS, COMMONLY CALLED IMITATIVE.

IT is the fate of those maxims, which have been thrown out by very eminent writers, to be received implicitly by most of their followers, and to be repeated a thousand times, for no other reason, than because they once dropped from the pen of a superior genius: one of these is the assertion of *Aristotle*, that *all poetry consists in imitation*, which has been so frequently echoed from author to author, that it would seem a kind of arrogance to controvert it; for almost all the philosophers and criticks, who have written upon the subject of *poetry*, *musick*, and *painting*, how little soever they may agree in some points, seem of one mind in considering them as arts merely *imitative*: yet it must be clear to any one, who examines what passes in his own mind, that he is affected by the finest *poems*, *pieces of musick*, and *pictures*, upon a principle, which, whatever it be, is entirely distinct from *imitation*. *M. le Batteux* has attempted to prove that all the fine arts have a relation to this common principle of *imitating*: but, whatever be said of *painting*, it is probable, that *poetry* and *musick* had a nobler origin; and, if the first language of man was not both *poetical* and *musical*, it is certain, at least, that in countries, where no kind of *imitation* seems to be much admired, there are *poets* and *musicians* both by nature and by art: as in some *Mahometan* nations;

nations; where *sculpture* and *painting* are forbidden by the laws, where *dramatick poetry* of every sort is wholly unknown, yet, where the pleasing arts, of *expressing the passions in verse*, and of *enforcing that expression by melody*, are cultivated to a degree of enthusiasm. It shall be my endeavour in this paper to prove, that, though *poetry* and *musick* have, certainly, a power of *imitating* the manners of men, and several objects in nature, yet, that their greatest effect is not produced by *imitation*, but by a very different principle; which must be sought for in the deepest recesses of the human mind.

To state the question properly, we must have a clear notion of what we mean by *poetry* and *musick*; but we cannot give a precise definition of them, till we have made a few previous remarks on their origin, their relation to each other, and their difference.

It seems probable then that *poetry* was originally no more than a strong, and animated expression of the human passions, of *joy* and *grief*, *love* and *hate*, *admiration* and *anger*, sometimes pure and unmixed, sometimes variously modified and combined: for, if we observe the *voice* and *accents* of a person affected by any of the violent passions, we shall perceive something in them very nearly approaching to *cadence* and *measure*; which is remarkably the case in the language of a vehement *Orator*, whose talent is chiefly conversant about *praise* or *censure*; and we may collect from several passages in *Tully*, that the fine speakers of old *Greece* and *Rome* had a sort of rhythm in their sentences, less regular, but not less melodious, than that of the poets.

If this idea be just, one would suppose that the most ancient sort of poetry consisted in *praising the Deity*; for if we conceive a being, created with all his faculties and senses, endued with speech and reason, to open his eyes in a most delightful plain, to view for the first time the serenity
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of the sky, the splendour of the sun, the verdure of the fields and woods, the glowing colours of the flowers, we can hardly believe it possible, that he should refrain from bursting into an extasy of *joy*, and pouring his praises to the creator of those wonders, and the author of his happiness. This *kind of poetry* is used in all nations; but as it is the sublimest of all, when it is applied to its true object, so it has often been perverted to impious purposes by pagans and idolatres: every one knows that the *dramatick poetry* of the *Europeans* took its rise from the same spring, and was no more at first than a song in praise of *Bacchus*; so that the only species of poetical composition (if we except the *Epick*), which can in any sense be called *imitative*, was deduced from a natural emotion of the mind, in which *imitation* could not be at all concerned.

The next source of poetry was, probably, *love*, or the mutual inclination, which naturally subsists between the sexes, and is founded upon personal *beauty*: hence arose the most agreeable *odes*, and love-songs, which we admire in the works of the ancient lyric poets, not filled, like our *sonnets* and *madrigals*, with the insipid babble of *darts*, and *Cupids*, but simple, tender, natural; and consisting of such unaffected endearments, and mild complaints,

* Teneri sdegni, e placide e tranquille

Repulse, e cari vezzi, e liete paci,

as we may suppose to have passed between the first lovers in a state of innocence, before the refinements of society, and the restraints, which they introduced, had made the passion of *love* so fierce, and impetuous, as it is said to have been in *Dido*, and certainly was in *Sappho*, if we may take her own word for it †.

* Two lines of *Tasso*.

† See the ode of *Sappho* quoted by *Longinus*, and translated by *Boileau*.

The *grief*, which the first inhabitants of the earth must have felt at the death of their dearest friends, and relations, gave rise to another species of poetry, which originally, perhaps, consisted of short *dirges*, and was afterwards lengthened into *elegies*.

As soon as vice began to prevail in the world, it was natural for the wise and virtuous to express their *detestation* of it in the strongest manner, and to show their *resentment* against the corrupters of mankind: hence *moral poetry* was derived, which, at first, we find, was severe and passionate; but was gradually melted down into cool precepts of morality, or exhortations to virtue: we may reasonably conjecture that *Epick poetry* had the same origin, and that the examples of heroes and kings were introduced, to illustrate some moral truth, by showing the loveliness and advantages of virtue, or the many misfortunes that flow from vice.

Where there is vice, which is *detestable* in itself, there must be *hate*, since *the strongest antipathy in nature*, as Mr. Pope asserted in his writings, and proved by his whole life, *subsists between the good and the bad*: now this passion was the source of that poetry, which we call *Satire*, very improperly, and corruptly, since the *Satire* of the Romans was no more than a moral piece, which they entitled *Satura* or *Satyra* *, intimating, that the poem, like *a dish of fruit and corn offered to Ceres*, contained a variety and plenty of fancies and figures; whereas the true *invectives* of the ancients were called *Iambi*, of which we have several examples in *Catullus*, and in the *Epodes* of *Horace*, who imitated the very measures and manner of *Archilochus*.

These are the principal sources of *poetry*; and of *musick* also, as it shall be my endeavour to show: but it is first necessary to say a few

* Some Latin words were spelled either with an *u* or a *y*, as *Sulla* or *Sylla*.

words on *the nature of sound*; a very copious subject, which would require a long dissertation to be accurately discussed. Without entering into a discourse on the *vibrations of chords*, or *the undulations of the air*, it will be sufficient for our purpose to observe that there is a great difference between a *common sound*, and a *musical sound*, which consists chiefly in this, that the former is simple and entire in itself like a *point*, while the latter is always accompanied with other sounds, without ceasing to be *one*; like a *circle*, which is an entire figure, though it is generated by a multitude of points flowing, at equal distances, round a common centre. These accessory sounds, which are caused by the aliquots of a sonorous body vibrating at once, are called *Harmonicks*, and the whole system of modern *Harmony* depends upon them; though it were easy to prove that the system is unnatural, and only made tolerable to the ear by habit: for whenever we strike the perfect accord on a harpsichord or an organ, the harmonicks of the third and fifth have also their own harmonicks, which are dissonant from the principal note: These horrid dissonances are, indeed, almost overpowered by the *natural harmonicks* of the principal chord, but that does not prove them agreeable. Since nature has given us a delightful harmony of her own, why should we destroy it by the additions of art? It is like thinking

————— to paint the lily,
And add a perfume to the violet.

Now let us conceive that some vehement passion is expressed in strong words, exactly measured, and pronounced, *in a common voice*, in just cadence, and with proper accents, such an expression of the passion will be *genuine poetry*; and the famous ode of *Sappho* is allowed to be so in the strictest sense: but if the same ode, with all its natural accents, were expressed in a *musical voice* (that is, in sounds accompanied with their *Harmonicks*), if it were sung in due time and measure, in a simple and

pleasing tune, that added force to the words without stifling them, it would then be *pure and original musick*; not merely soothing to the ear, but affecting to the heart; not an *imitation* of nature, but the voice of nature herself. But there is another point in which *musick* must resemble *poetry*, or it will lose a considerable part of its effect: we all must have observed, that a speaker, agitated with passion, or an actor, who is, indeed, strictly an *imitator*, are perpetually changing the tone and pitch of their voice, as the sense of their words varies: it may be worth while to examine how this variation is expressed in *musick*. Every body knows that the musical scale consists of seven notes, above which we find a succession of similar sounds repeated in the same order, and above that, other successions, as far as they can be continued by the human voice, or distinguished by the human ear: now each of these seven sounds has no more meaning, when it is heard separately, than a single letter of the alphabet would have; and it is only by their succession, and their relation to one principal sound, that they take any rank in the scale; or differ from each other, except as they are *graver*, or more *acute*: but in the regular scale each interval assumes a proper character, and every note stands related to the first or principal one by various proportions. Now a *series of sounds relating to one leading note* is called a *mode*, or a *tone*, and, as there are twelve semitones in the scale, each of which may be made in its turn the leader of a mode, it follows that there are twelve modes; and each of them has a peculiar character, arising from the position of the *modal* note, and from some minute difference in the ratio's, as of 81 to 80, or a comma; for there are some intervals, which cannot easily be rendered on our instruments, yet have a surprizing effect in *modulation*, or in the transitions from one mode to another.

The *modes* of the ancients are said to have had a wonderful effect over the mind; and *Plato*, who permits the *Dorian* in his imaginary republic,

lick, on account of its calmness and gravity, excludes the *Lydian*, because of its languid, tender, and effeminate character: not that any series of mere sounds has a power of raising or soothing the passions, but each of these modes was appropriated to a particular kind of poetry, and a particular instrument; and the chief of them, as the *Dorian*, *Phrygian*, *Lydian*, *Ionian*, *Eolian*, *Locrian*, belonging originally to the nations, from which they took their names: thus the *Phrygian mode*, which was ardent and impetuous, was usually accompanied with trumpets, and the *Mixolydian*, which, if we believe *Aristoxenus*, was invented by *Sappho*, was probably confined to the pathetick and tragick style: that these modes had a relation to *poetry*, as well as to *musick*, appears from a fragment of *Lafus*, in which he says, *I sing of Ceres, and her daughter Melibæa, the consort of Pluto, in the Eolian mode, full of gravity*; and *Pindar* calls one of his *Odes* an *Eolian song*. If the *Greeks* surpassed us in the strength of their modulations, we have an advantage over them in our *minor scale*, which supplies us with twelve new modes, where the two semitones are removed from their natural position between the third and fourth, the seventh and eighth notes, and placed between the second and third, the fifth and sixth; this change of the semitones, by giving a minor third to the *modal* note, softens the general expression of the mode, and adapts it admirably to subjects of *grief* and *affliction*: the minor mode of D is tender, that of C, with three flats, plaintive, and that of F, with four, pathetick and mournful to the highest degree, for which reason it was chosen by the excellent *Pergolesi* in his *Stabat Mater*. Now these twenty-four modes, artfully interwoven, and changed as often as the sentiment changes, may, it is evident, express all the variations in the voice of a speaker, and give an additional beauty to the accents of a poet. Consistently with the foregoing principles, we may define *original and native poetry* to be *the language of the violent passions, expressed in exact measure, with strong accents and significant words*; and *true musick* to be no more than *poetry, delivered in a succession of harmonious*

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nious sounds, so disposed as to please the ear. It is in this view only that we must consider the musick of the ancient *Greeks*, or attempt to account for its amazing effects, which we find related by the gravest historians, and philosophers; it was wholly passionate or descriptive, and so closely united to poetry, that it never obstructed, but always increased its influence; whereas our boasted harmony, with all its fine accords, and numerous parts, paints nothing, expresses nothing, says nothing to the heart, and consequently can only give more or less pleasure to one of our senses; and no reasonable man will seriously prefer a transitory pleasure, which must soon end in satiety, or even in disgust, to a delight of the soul, arising from sympathy, and founded on the natural passions, always lively, always interesting, always transporting. The old divisions of musick into *celestial* and *earthly*, *divine* and *human*, *active* and *contemplative*, *intellective* and *oratorial*, were founded rather upon metaphors, and chimerical analogies, than upon any real distinctions in nature; but the want of making a distinction between *musick of mere sounds*, and the *musick of the passions*, has been the perpetual source of confusion and contradictions both among the ancients and the moderns: nothing can be more opposite in many points than the systems of *Rameau* and *Tartini*, one of whom asserts that melody springs from harmony, and the other deduces harmony from melody; and both are in the right, if the first speaks only of that musick, which took its rise from *the multiplicity of sounds heard at once in the sonorous body*, and the second, of that, which rose from *the accents and inflexions of the human voice, animated by the passions*: to decide, as *Rousseau* says, whether of these two schools ought to have the preference, we need only ask a plain question, Was the voice made for the instruments, or the instruments for the voice?

In defining what true poetry *ought to be*, according to our principles, we have described what it really *was* among the *Hebrews*, the *Greeks* and *Romans*, the *Arabs* and *Persians*. The lamentation of *David*, and
his

his sacred odes, or psalms, the song of *Solomon*, the prophecies of *Isaiab*, *Jeremiab*, and the other inspired writers, are truly and strictly poetical; but what did *David* or *Solomon* imitate in their divine poems? A man, who is *really* joyful or afflicted, cannot be said to *imitate* joy or affliction. The lyric verses of *Alcæus*, *Alcman*, and *Ibycus*, the hymns of *Callimachus*, the elegy of *Moschus* on the death of *Bion*, are all beautiful pieces of poetry; yet *Alcæus* was no *imitator* of love, *Callimachus* was no *imitator* of religious awe and admiration, *Moschus* was no *imitator* of grief at the loss of an amiable friend. *Aristotle* himself wrote a very poetical elegy on the death of a man, whom he had loved; but it would be difficult to say what he imitated in it: “O virtue, who proposest many
 “labours to the human race, and art still the alluring object of our life; for
 “thy charms, O beautiful goddess, it was always an envied happiness in
 “Greece even to die, and to suffer the most painful, the most afflicting evils:
 “such are the immortal fruits, which thou raisest in our minds; fruits,
 “more precious than gold, more sweet than the love of parents, and soft re-
 “pose: for thee Hercules the son of Jove, and the twins of Leda, sustained
 “many labours, and by their illustrious actions sought thy favour; for love
 “of thee, Achilles and Ajax descended to the mansion of Pluto; and,
 “through a zeal for thy charms, the prince of Atarnea also was deprived
 “of the sun’s light: therefore shall the muses, daughters of memory, render
 “him immortal for his glorious deeds, whenever they sing the god of hospita-
 “lity, and the honours due to a lasting friendship.”

In the preceding collection of poems, there are some *Eastern* fables, some *odes*, a *panegyrick*, and an *elegy*; yet it does not appear to me, that there is the least *imitation* in either of them: *Petrarch* was, certainly, too deeply affected with real grief, and the *Persian* poet was too sincere a lover, to *imitate* the passions of others. As to the rest, a fable in verse is no more an *imitation* than a fable in prose; and if every poetical narrative, which describes the manners, and relates the adventures of men,

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be called *imitative*, every romance, and even every history, must be called so likewise; since many poems are only *romances*, or parts of *history*, told in a regular measure.

What has been said of *poetry*, may with equal force be applied to *musick*, which is *poetry*, dressed to advantage; and even to *painting*, many sorts of which are poems to the eye, as all poems, merely descriptive, are pictures to the ear: and this way of considering them, will set the refinements of modern artists in their true light; for the *passions*, which were given by nature, never spoke in an unnatural form, and no man, truly affected with *love* or *grief*, ever expressed the one in an *acrostick*, or the other in a *fugue*: these remains, therefore, of the false taste, which prevailed in the dark ages, should be banished from this, which is enlightened with a just one.

It is true, that some kinds of painting are strictly *imitative*, as that which is solely intended to represent the human figure and countenance; but it will be found, that those pictures have always the greatest effect, which represent some *passion*, as the martyrdom of *St. Agnes* by *Domenichino*, and the various representations of the *Crucifixion* by the finest masters of *Italy*; and there can be no doubt, but that the famous *sacrifice of Iphigenia* by *Timanthes* was affecting to the highest degree; which proves, not that painting cannot be said to *imitate*, but that its most powerful influence over the mind arises, like that of the other arts, from *sympathy*.

It is asserted also that *descriptive* poetry, and *descriptive* musick, as they are called, are strict *imitations*; but, not to insist that mere *description* is the meanest part of both arts, if indeed it belongs to them at all, it is clear, that words and sounds have no kind of resemblance to visible objects: and what is an imitation, but a resemblance of some other thing?

thing? Besides, no unprejudiced hearer will say that he finds the smallest traces of imitation in the numerous *fugues*, *counterfugues*, and *divisions*, which rather disgrace than adorn the modern musick: even sounds themselves are imperfectly imitated by harmony, and, if we sometimes hear *the murmuring of a brook*, or *the chirping of birds* in a concert, we are generally apprised before-hand of the passages, where we may expect them. Some eminent musicians, indeed, have been absurd enough to think of imitating laughter and other noises, but, if they had succeeded, they could not have made amends for their want of taste in attempting it; for such ridiculous imitations must necessarily destroy the spirit and dignity of the finest poems, which they ought to illustrate by a graceful and natural melody. It seems to me, that, as those parts of *poetry*, *musick*, and *painting*, which relate to the passions, affect by *sympathy*, so those, which are merely descriptive, act by a kind of *substitution*, that is, by raising in our minds, affections, or sentiments, analogous to those, which arise in us, when the respective objects in nature are presented to our senses. Let us suppose that a poet, a musician, and a painter, are striving to give their friend, or patron, a pleasure similar to that, which he feels at the sight of a beautiful prospect. The first will form an agreeable assemblage of lively images, which he will express in smooth and elegant verses of a sprightly measure; he will describe the most delightful objects, and will add to the graces of his description a certain delicacy of sentiment, and a spirit of cheerfulness. The musician, who undertakes to set the words of the poet, will select some mode, which, on his violin, has the character of mirth and gaiety, as the Eolian, or *E flat*, which he will change as the sentiment is varied: he will express the words in a simple and agreeable melody, which will not disguise, but embellish them, without aiming at any fugue, or figured harmony: he will use the bass, to mark the modulation more strongly, especially in the changes; and he will place the *tenour* generally in unison with the bass, to prevent too great a distance between the parts: in the symphony
he

he will, above all things, avoid a *double melody*, and will apply his variations only to some accessory ideas, which the principal part, that is, the voice, could not easily express: he will not make a number of useless repetitions, because the *passions* only repeat the same expressions, and dwell upon the same sentiments, while *description* can only represent a single object by a single sentence. The painter will describe all visible objects more exactly than his rivals, but he will fall short of the other artists in a very material circumstance; namely, that his pencil, which may, indeed, express a simple passion, cannot paint a thought, or draw the shades of sentiment: he will, however, finish his landscape with grace and elegance; his colours will be rich, and glowing; his perspective striking; and his figures will be disposed with an agreeable variety, but not with confusion: above all, he will diffuse over his whole piece such a spirit of liveliness and festivity, that the beholder shall be seized with a kind of rapturous delight, and, for a moment, mistake art for nature.

Thus will each artist gain his end, not by *imitating* the works of nature, but by assuming her power, and causing the same effect upon the imagination, which her charms produce to the senses: this must be the chief object of a poet, a musician, and a painter, who know that *great effects are not produced by minute details, but by the general spirit of the whole piece, and that a gaudy composition may strike the mind for a short time, but that the beauties of simplicity are both more delightful, and more permanent.*

As the *passions* are differently modified in different men, and as even the various objects in nature affect our minds in various degrees, it is obvious, that there must be a great diversity in the pleasure, which we receive from the fine arts, whether that pleasure arises from *sympathy*, or *substitution*; and that it were a wild notion in artists to think of pleas-

ing

ing every reader, hearer, or beholder; since every man has a particular set of objects, and a particular inclination, which direct him in the choice of his pleasures, and induce him to consider the productions, both of nature and of art, as more or less elegant, in proportion as they give him a greater or smaller degree of delight: this does not at all contradict the opinion of many able writers, that *there is one uniform standard of taste*; since the *passions*, and, consequently, *sympathy*, are generally the same in all men, till they are weakened by age, infirmity, or other causes.

If the arguments, used in this essay, have any weight, it will appear, that the finest parts of poetry, musick, and painting, are expressive of the *passions*, and operate on our minds by *sympathy*; that the inferior parts of them are *descriptive* of natural *objects*, and affect us chiefly by *substitution*; that the expressions of *love*, *pity*, *desire*, and the *tender* passions, as well as the *descriptions* of objects that delight the senses, produce in the arts what we call the *beautiful*; but that *hate*, *anger*, *fear*, and the *terrible* passions, as well as objects, which are *unpleasing* to the senses, are productive of the *sublime*, when they are aptly expressed, or described.

These subjects might be pursued to infinity; but, if they were amply discussed, it would be necessary to write a series of dissertations, instead of an essay.

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If the arguments, used in this essay, have any weight, it will appear, that the chief parts of poetry, music, and painting, are expressive of the passions, and operate on our minds by sympathy; that the inferior parts of them are likewise expressive of natural objects, and affect us chiefly by sympathy; that the expressions of love, pity, desire, and the tender passions, as well as the description of objects that delight the senses, produce in the arts what we call the beautiful; but that hate, anger, fear, and the terrible passions, as well as objects, which are unpleasing to the senses, are productive of the sublime, when they are aptly expressed, or described.

These subjects might be pursued to infinity; but if they were amply discussed, it would be necessary to write a series of dissertations, instead of an essay.

THE MUSE RECALLED,

AN ODE

ON THE NUPTIALS

OF

LORD VISCOUNT ALTHORP

AND

MISS LAVINIA BINGHAM,

ELDEST DAUGHTER OF CHARLES LORD LUCAN,

MARCH VI, MDCCLXXXI.

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MARCH 27. 1800.

THE MUSE RECALLED,

AN ODE.

RETURN, celestial Muse,
By whose bright fingers o'er my infant head,
Lull'd with immortal symphony, were spread
Fresh bays and flow'rets of a thousand hues;
Return! thy golden lyre,
Chorded with sunny rays of temper'd fire,
Which in Astræa's fane I fondly hung,
Bold I reclaim: but ah, sweet maid,
Bereft of thy propitious aid
My voice is tuneless, and my harp unstrung.
In vain I call . . . What charm, what potent spell
Shall kindle into life the long-unwaken'd shell?

Haste! the well-wrought * basket bring,
Which two sister Graces wove,
When the third, whose praise I sing,
Blushing fought the bridal grove,
Where the flow-descending sun
Gilt the bow'rs of WIMBLEDON.
In the vase mysterious fling
Pinks and roses gemm'd with dew,

* Miss Louisa Bingham, and Miss Frances Moleworth her cousin, decked a basket with ribbands and flowers to hold the nuptial presents.

Flow'rs of ev'ry varied hue,
 Daughters fair of early spring,
 Laughing sweet with sapphire eyes,
 Or with Iris' mingled dyes :
 Then around the basket go,
 Tripping light with silent pace,
 While, with solemn voice and flow
 Thrice pronouncing, thrice I trace
 On the filken texture bright,
 Character'd in beamy light,
 Names of more than mortal pow'r,
 Sweetest influence to diffuse;
 Names, that from her shadiest bow'r
 Draw the soft reluctant muse.

First, I with living gems enchase
 The name of Her, whom for this festive day
 With zone and mantle elegantly gay
 The Graces have adorn'd, herself a Grace,
 MOLESWORTH . . . hark ! a swelling note
 Seems on Zephyr's wing to float,
 Or has vain hope my flatter'd sense beguil'd ?
 Next Her, who braided many a flow'r
 To deck her sister's nuptial bow'r,
 BINGHAM, with gentle heart and aspect mild :
 The charm prevails . . . I hear, I hear
 Strains nearer yet, and yet more near.
 Still, ye nymphs and youths, advance,
 Sprinkle still the balmy show'r,
 Mingle still the mazy dance.
 Two names of unresisted pow'r,

Behold,

Behold, in radiant characters I write:
 O rise! O leave thy secret shrine,
 For they, who all thy nymphal train outshine,
 DUNCANNON *, heav'nly Muse, and DEVONSHIRE † invite.

Saw ye not yon myrtle wave?
 Heard ye not a warbled strain?
 Yes! the harp, which Clio gave,
 Shall his ancient sound regain.

One dearer name remains. Prepare, prepare!

She comes . . . how swift th' impatient air
 Drinks the rising accent sweet!
 Soon the charm shall be complete.
 Return, and wake the silent string;
 Return, sweet Muse, for ALTHORP bids me sing.
 'Tis she . . . and, as she smiles, the breathing lyre
 Leaps from his filken bands, and darts ethereal fire.

Bright son of ev'ning, lucid star,
 Auspicious rise thy soften'd beam,
 Admir'd ere Cynthia's pearly car
 O'er heav'n's pure azure spreads her gleam:
 Thou saw'st the blooming pair,
 Like thee serenely fair,
 By love united and the nuptial vow,
 Thou see'st the mirthful train
 Dance to th' unlabour'd strain,

* Lady Henrietta Spencer, second daughter of John earl Spencer, and wife of the lord viscount Duncannon, eldest son of the earl of Beiborough.

† Lady Georgiana, eldest daughter of earl Spencer, and wife of William Cavendish, fifth duke of Devonshire.

Seest bound with myrtle ev'ry youthful brow.
 Shine forth, ye silver eyes of night,
 And gaze on virtues crown'd with treasures of delight.
 And thou, the golden-tressed child of morn,
 Whene'er thy all-inspiring heat
 Bids bursting rose-buds hill and mead adorn,
 See them with ev'ry gift that Jove bestows,
 With ev'ry joy replete,
 Save, when they melt at sight of human woes.
 Flow smoothly, circling hours,
 And o'er their heads unblended pleasure pour;
 Nor let your fleeting round
 Their mortal transports bound,
 But fill their cup of bliss, eternal pow'rs,
 Till time himself shall cease, and suns shall blaze no more.

Each morn, reclin'd on many a rose,
 LAVINIA's * pencil shall disclose
 New forms of dignity and grace,
 Th' expressive air, th' impassion'd face,
 The curled smile, the bubbling tear,
 The bloom of hope, the snow of fear,
 To some poetick tale fresh beauty give,
 And bid the starting tablet rise and live;
 Or with swift fingers shall she touch the strings.
 And in the magick loom of harmony
 Notes of such wond'rous texture weave,

* Lady Althorp has an extraordinary talent for drawing historick subjects, and expressing the passions in the most simple manner.

As lifts the soul on seraph wings,
Which, as they soar above the jasper sky,
Below them suns unknown and worlds unnumber'd leave.

While thou, by list'ning crowds approv'd,
Lov'd by the Muse and by the poet lov'd,
ALTHORP, shouldst emulate the fame
Of Roman patriots and th' Athenian name;
Shouldst charm with full persuasive eloquence,
With all thy * mother's grace, and all thy father's sense,
Th' applauding senate; whilst, above thy head,
Exulting Liberty should smile,
Then, bidding dragon-born Contention cease,
Should knit the dance with meek-ey'd Peace,
And by thy voice impell'd should spread
An universal joy around her cherish'd isle.

But ah! thy publick virtues, youth, are vain
In this voluptuous, this abandon'd age,
When Albion's sons with frantick rage,
In crimes alone and recreant baseness bold,
Freedom and Concord, with their weeping train,
Repudiate; slaves of vice, and slaves of gold!

They, on starry pinions sailing
Through the crystal fields of air,
Mourn their efforts unavailing,
Lost persuasions, fruitless care:
Truth, Justice, Reason, Valour, with them fly
To seek a purer soil, a more congenial sky.

* Georgiana Poyntz countess Spencer.

Beyond the vast Atlantick deep
 A dome by viewless genii shall be rais'd,
 The walls of adamant compact and steep,
 The portals with sky-tinctur'd gems emblaz'd :
 There on a lofty throne shall Virtue stand ;
 To her the youth of Delaware shall kneel ;
 And, when her smiles rain plenty o'er the land,
 Bow, tyrants, bow beneath th' avenging steel !
 Commerce with fleets shall mock the waves,
 And Arts, that flourish not with slaves,
 Dancing with ev'ry Grace and ev'ry Muse,
 Shall bid the valleys laugh and heav'nly beams diffuse.
 She ceases ; and a strange delight
 Still vibrates on my ravish'd ear :
 What floods of glory drown my fight !
 What scenes I view ! What sounds I hear !
 This for my friend . . . but, gentle nymphs, no more
 Dare I with spells divine the Muse recall :
 Then, fatal harp, thy transient rapture o'er,
 Calm I replace thee on the sacred wall.
 Ah, see how lifeless hangs the lyre,
 Not lightning now, but glitt'ring wire !
 Me to the brawling bar and wrangles high
 Bright-hair'd Sabrina calls and rosy-bosom'd Wye.

No:—MEN, high-minded MEN,

With how's as far above dull senses endued

AN

In forest, brake, or den,

As beasts excel cold rocks and shales more rude;

O D E

Men, who their duty know,

But know their rights, and know the rights of man,

IN IMITATION OF

Prevent the long-sustained blow,

And crush the tyrant's chain:

A L C Æ U S.

Yok, constitute a state,

And foreign law, that state's collected will,

O'er thrones and globes class

Οὐ λίθοι, ἐδὲ ξύλα, ἐδὲ

Τέχνη τεκτόνων αἱ πόλεις εἴσιν,

Ἄλλ' ὅπερ ποτ' ἄν ᾤσιν ἈΝΔΡΕΣ

Αὐτὰς σώζειν εἰδότες,

Ἐνλαῦθα τείχη καὶ πόλεις.

ALC. quoted by ARISTIDES.

WHAT constitutes a State?

Not high-rais'd battlement or labour'd mound,

Thick wall or moated gate ;

Not cities proud with spires and turrets crown'd ;

Not bays and broad-arm'd ports,

Where, laughing at the storm, rich navies ride,

Not starr'd and spangled courts,

Where low-brow'd baseness wafts perfume to pride.

No:—

No:—MEN, high-minded MEN,
 With pow'rs as far above dull brutes endued
 In forest, brake, or den,
 As beasts excel cold rocks and brambles rude;
 Men, who their *duties* know,
 But know their *rights*, and, knowing, dare maintain,
 Prevent the long-aim'd blow,
 And crush the tyrant while they rend the chain:
 These constitute a State,
 And sov'reign LAW, *that state's collected will*,
 O'er thrones and globes elate
 Sits Empress, crowning good, repressing ill;
 Smit by her sacred frown
 The fiend *Discretion* like a vapour finks,
 And e'en th' all-dazzling *Crown*
 Hides his faint rays, and at her bidding shrinks.
 Such *was* this heav'n-lov'd isle,
 Than *Lesbos* fairer and the *Cretan* shore!
 No more shall Freedom smile?
 Shall *Britons* languish, and be MEN no more?
 Since all must life resign,
 Those sweet rewards, which decorate the brave,
 'Tis folly to decline,
 And steal inglorious to the silent grave.

Abergavenny,
 March 31, 1781.

AN

ODE

IN IMITATION OF

CALLISTRATUS.

Ἐν μύρτῃ κλαδί τὸ ξίφος φορήσω,

Ὡσπερ Ἀρμόδιος καὶ Ἀριστογείτων,

Ὅτε τὸν τύραννον κτεάνετην

Ἰσονόμους τ' Ἀθίνας ἐποίησάτην.

κ. τ. λ.

Quòd si post *Idús* illas *Martias* è *Tyrannoctōnis* quispiam tale aliquod *carmen* plebi tradidisset, inque *Suburram* et fori circulos et in ora vulgi intulisset, actum profectò fuisset de partibus deque dominatione *Cæsarum*; plus mehercule valuisset unum Ἀρμόδιε μέλος quàm *Ciceronis Philippicæ* omnes.

LOWTH *De Sacrà Poesi*, Præl. I.

VERDANT myrtle's branchy pride
Shall my biting falchion wreathe:
Soon shall grace each manly side
Tubes that speak and points that breathe.

Thus,

Thus, *Harmodius*, shone thy blade !

Thus, *Aristogiton*, thine !

Whose, when BRITAIN fights for aid,
Whose shall now delay to shine ?

Dearest youths, in islands blest,
Not, like recreant idlers, dead,

You with fleet *Pelides* rest,
And with godlike *Diomed*.

Verdant myrtle's branchy pride
Shall my thirsty blade intwine :

Such, *Harmodius*, deck'd thy side !

Such, *Aristogiton*, thine !

They the base *Hipparchus* slew
At the feast for *Pallas* crown'd :

Gods ! how swift their poniards flew !
How the monster ting'd the ground !

Then in *Athens* all was Peace,

Equal Laws and Liberty :

Nurse of Arts, and eye of *Greece* !

People valiant, firm, and free !

Not less glorious was thy deed,

Wentworth, fix'd in Virtue's cause ;

Not less brilliant be thy meed,

Lenox, friend to *Equal Laws* !

High in Freedom's temple rais'd,

See *Fitz Maurice* beaming stand,

For collected Virtues prais'd,

Wisdom's voice, and Valour's hand !

Ne'er shall fate their eyelids close :

They, in blooming regions blest,

With *Harmodius* shall repose,

With *Aristogiton* rest.

Noblest

Noblest Chiefs, a Hero's crown
 Let th' *Athenian* patriots claim :
 You less fiercely won renown ;
 You assum'd a milder name.
 They thro' blood for glory strove,
 You more blissful tidings bring ;
 They to death a *Tyrant* drove,
 You to fame *restor'd* a KING.
 Rise, BRITANNIA, dauntless rise !
 Cheer'd with triple Harmony,
Monarch good, and *Nobles* wife,
People valiant, firm, and FREE !

May 14, 1782.

Noblest Chiefs, a Hero's crown

Let th' Arabian patriots claim :

You less fiercely won renown :

You assum'd a milder name.

They thro' blood for glory strove,

You more blissful tidings bring :

They to death a Tyrant drove,

You to fame restor'd a KING.

Rise, BRITANNIA, dauntless rise !

Cheer'd with triple Harmony,

Menaced good, and Nobles' wife,

People valiant, firm, and FREE !

May 14 1782

THE PRINCIPLES OF GOVERNMENT, 371

choice,

G. Y. ... we could not be compelled; we formed it by our own

choice,

G. Y. ... But have you not seen head or accident of

your club?

F. The master for each night is chosen by all the company present

the week before.

G. Does he make laws to bind you in any way or manner or punish

behaviour?

F. He make laws! He bind us! No! we have all agreed to a set of

equal rules, which are signed by all the members, and were written

in a strange hand by your son, John, the lawyer's clerk, whose name is

A. GENTLEMAN AND A FARMER.

H. Y. I should humble men, like me, sign or set marks to peti-

tions of this nature? It is better for us Farmers to mind our business,

and leave what we cannot comprehend to the king and parliament.

G. You can comprehend more than you imagine; and, as a

member of a free state, have a right to know what is going on.

G. What? ...

ADVERTISEMENT.

A SHORT defence hath been thought necessary, against a violent and groundless attack upon the FLINTSHIRE COMMITTEE, for having testified their approbation of the following Dialogue, which hath been publicly branded with the most injurious epithets; and it is conceived, that the sure way, to vindicate this little Tract from so unjust a character, will be as publicly to produce it. — The friends of the Revolution will instantly see, that it contains no principle, which has not the support of the highest authority, as well as the clearest reason.

If the doctrines which it slightly touches, in a manner suited to the nature of the Dialogue, be “feditious, treasonable, and diabolical,” Lord Somers was an incendiary, Locke a traitor, and the Convention-parliament a pandæmonium; but, if those names are the glory and boast of England, and if that convention secured our liberty and happiness, then the doctrines in question are not only just and rational but constitutional and salutary; and the reproachful epithets belong wholly to the system of those, who so grossly misapplied them.

THE
PRINCIPLES OF GOVERNMENT.
IN
A DIALOGUE
BETWEEN
A GENTLEMAN AND A FARMER.

F. WHY should humble men, like me, sign or set marks to petitions of this nature? It is better for us Farmers to mind our husbandry, and leave what we cannot comprehend to the King and Parliament.

G. You can comprehend more than you imagine; and, as a *free member of a free state*, have higher things to mind than you may conceive.

F. If by *free* you mean *out of prison*, I hope to continue so, as long as I can pay my rent to the 'squire's bailiff; but what is meant by a *free state*?

G. Tell me first what is meant by a club in the village, of which I know you to be a member.

F. It is an assembly of men, who meet after work every Saturday to be merry and happy for a few hours in the week.

G. Have you no other object but mirth?

F. Yes; we have a box, into which we contribute equally from our monthly or weekly savings, and out of which any members of the club are to be relieved in sickness or poverty; for the parish officers are so cruel and insolent, that it were better to starve than apply to them for relief.

G. Did they, or the 'squire, or the parson, or all together, compel you to form this society?

F. Oh!

F. Oh! no—we could not be compelled; we formed it by our own choice.

G. You did right——But have you not some head or president of your club?

F. The master for each night is chosen by all the company present the week before.

G. Does he make laws to bind you in case of ill temper or misbehaviour?

F. He make laws! He bind us! No; we have all agreed to a set of equal rules, which are signed by every new comer, and were written in a strange hand by young *Spelman*, the lawyer's clerk, whose uncle is a member.

G. What should you do, if any one member were to insist on becoming *perpetual* master, and on altering your rules at his arbitrary will and pleasure?

F. We should expel him.

G. What, if he were to bring a serjeant's guard, when the militia are quartered in your neighbourhood, and insist upon your obeying him?

F. We should resist, if we could; if not, the society would be broken up.

G. Suppose that, with his serjeant's guard, he were to take the money out of the box or out of your pockets?

F. Would not that be a robbery?

G. I am seeking information from you. How should you act on such an occasion?

F. We should submit, perhaps, at that time; but should afterwards try to apprehend the robbers.

G. What, if you could not apprehend them?

F. We might kill them, I should think; and, if the King would not pardon us, God would.

G. How could you either apprehend them, or, if they resisted, kill them, without a sufficient force in your own hands?

F. Oh!

F. Oh! we are all good players at single stick, and each of us has a stout cudgel or quarter-staff in the corner of his room.

G. Suppose that a few of the club were to domineer over the rest, and insist upon making laws for them——

F. We must take the same course; except that it would be easier to restrain one man, than a number; but we should be the majority with justice on our side.

G. A word or two on another head. Some of you, I presume, are no great accountants.

F. Few of us understand accounts; but we trust old *Lilly* the school-master, whom we believe to be an honest man; and he keeps the key of our box.

G. If your money should in time amount to a large sum, it might not perhaps be safe, to keep it at his house or in any private house.

F. Where else should we keep it?

G. You might chuse to put it into the funds, or to lend it the 'squire, who has lost so much lately at *Newmarket*, taking his bond or some of his fields as your security for payment with interest.

F. We must in that case confide in young *Spelman*, who will soon set up for himself, and, if a lawyer can be honest, will be an honest lawyer.

G. What power do you give to *Lilly*, or should you give to *Spelman* in the case supposed?

F. No power. We should give them both a due allowance for their trouble, and should expect a faithful account of all they had done for us.

G. Honest men may change their nature. What, if both or either of them were to deceive you.

F. We should remove them, put our trust in better men, and try to repair our loss.

G. Did it never occur to you, that every state or nation was only a great club?

F. Nothing ever occurred to me on the subject; for I never thought about it.

G. Though

G. Though you never thought before on the subject, yet you may be able to tell me, why you suppose men to have assembled, and to have formed *nations, communities, or states*, which all mean the same thing.

F. In order, I should imagine, to be as happy as they can, while they live.

G. By *happy* do you mean *merry* only?

F. To be as merry as they can without hurting themselves or their neighbours, but chiefly to secure themselves from danger, and to relieve their wants.

G. Do you believe, that any King or Emperor compelled them so to associate?

F. How could one man compel a multitude? A King or an Emperor, I presume, is not born with a hundred hands.

G. When a prince of the blood shall in any country be so distinguished by nature, I shall then, and then only, conceive him to be a greater man than you. But might not an army, with a King or General at their head, have compelled them to assemble?

F. Yes; but the army must have been formed by their own choice. One man or a few can never govern many without their consent.

G. Suppose, however, that a multitude of men, assembled in a town or city, were to chuse a King or Governor, might they not give him high power and authority?

F. To be sure; but they would never be so mad, I hope, as to give him a power of making their *laws*.

G. Who else should make them?

F. The *whole* nation or people.

G. What, if they disagreed?

F. The opinion of the *greater number*, as in our village-clubs, must be taken and prevail.

G. What could be done, if the society were so large, that all could not meet in the same place?

F. A greater number must chuse a less.

G. Who

G. Who should be the chusers ?

F. All, who are not *upon the parish*. In our club, if a man asks relief of the overseer, he ceases to be one of us, because he must depend on the overseer.

G. Could not a few men, one in seven for instance, chuse the assembly of law-makers as well as a larger number ?

F. As conveniently, perhaps ; but I would not suffer any man to chuse another, who was to make laws, by which my money or my life might be taken from me.

G. Have you a *freehold* in any county of forty shillings a year ?

F. I have nothing in the world but my cattle, implements of husbandry, and household goods, together with my farm, for which I pay a fixed rent to the 'squire.

G. Have you a vote in any city or borough ?

F. I have no vote at all ; but am able by my honest labour to support my wife and four children ; and, whilst I act honestly, I may defy the laws.

G. Can you be ignorant, that the Parliament, to which members are sent by this county, and by the next market-town, have power to make new laws, by which you and your family may be stripped of your goods, thrown into prison, and even deprived of life ?

F. A dreadful power ! I never made inquiries, having business of my own, concerning the business of Parliament, but imagined, that the laws had been fixed for many hundred years.

G. The common laws, to which you refer, are equal, just, and humane ; but the King and Parliament may alter them, when they please.

F. The King ought, therefore, to be a good man, and the Parliament to consist of men equally good.

G. The King alone can do no harm ; but who must judge the goodness of Parliament-men ?

F. All those whose property, freedom, and lives may be affected by their laws.

G. Yet

G. Yet six men in seven, who inhabit this kingdom, have, like you, no votes ; and the petition, which I desired you to sign, has nothing for its object, but the restoration of you all to the right of chusing those law-makers, by whom your money or your lives may be taken from you. Attend, while I read it distinctly.

F. Give me your pen—I never wrote my name, ill as it may be written, with greater eagerness.

G. I applaud you, and trust, that your example will be followed by millions. Another word before we part. Recollect your opinion about your club in the village, and tell me what ought to be the consequence, if the King alone were to insist on making laws, or on altering them at his will and pleasure.

F. He too must be expelled.

G. Oh ! but think of his standing army and of the militia, which now are his in substance, though ours in form.

F. If he were to employ that force against the nation, they would and ought to resist him, or the state would cease to be a state.

G. What, if the great accountants and great lawyers, the *Lillys* and *Spelmans*, of the nation were to abuse their trust, and cruelly injure, instead of faithfully serving, the publick ?

F. We must request the King to remove them, and make trial of others, but none should implicitly be trusted.

G. But what, if a few great lords or wealthy men were to keep the King himself in subjection, yet exert his force, lavish his treasure, and misuse his name, so as to domineer over the people, and manage the Parliament.

F. We must fight for the King and ourselves.

G. You talk of fighting, as if you were speaking of some rustick engagement at a wake ; but your quarter-staffs would avail you little against bayonets.

F. We might easily provide ourselves with better arms.

G. Not so easily ; when the moment of resistance came, you would be deprived.

deprived of all arms ; and those who should furnish you with them, or exhort you to take them up, would be called traitors, and probably put to death.

F. We ought always, therefore, to be ready ; and keep each of us a strong firelock in the corner of his bed-room.

G. That would be legal as well as rational. Are you, my honest friend, provided with a musket ?

F. I will contribute no more to the club, and purchase a firelock with my savings.

G. It is not necessary—I have two, and will make you a present of one with complete accoutrements.

F. I accept it thankfully, and will converse with you at your leisure on other subjects of this kind.

G. In the mean while, spend an hour every morning in the next fortnight in learning to prime and load expeditiously, and to fire and charge with bayonet firmly and regularly. I say every *morning* ; because, if you exercise *too late in the evening*, you may fall into some of the legal snares, which have been spread for you by those gentlemen, who would rather secure game for their table, than liberty for the nation.

F. Some of my neighbours, who have served in the militia, will readily teach me ; and, perhaps, the whole village may be persuaded to procure arms, and learn their exercise.

G. It cannot be expected, that the villagers should purchase arms, but they might easily be supplied, if the gentry of the nation would spare a little from their vices and luxury.

F. May they turn to some sense of honour and virtue !

G. Farewell, at present ; and remember, “ that a free state is only a more numerous and more powerful club, and that he only is a free man, who is member of such a state.”

F. Good morning, Sir ! You have made me wiser and better than I was yesterday ; and yet, methinks, I had some knowledge in my own mind of this great subject, and have been a politician all my life without perceiving it.

THE

THE CHARACTER

OF

JOHN LORD ASHBURTON.

THE publick are here presented not with a fine picture, but a faithful portrait, with the character of a memorable and illustrious man, not in the style of panegyrick on a monument, but in the language of sober truth, which friendship itself could not induce the writer to violate.

JOHN DUNNING (a name to which no title could add lustre) possessed professional talents which may truly be called inimitable ; for, besides their superlative excellence, they were peculiarly his own ; and as it would scarcely be possible to copy them, so it is hardly probable that nature or education will give them to another. His language was always pure, always elegant ; and the best words dropped easily from his lips into the best places with a fluency at all times astonishing, and, when he had perfect health, really melodious : his style of speaking consisted of all the turns, oppositions, and figures, which the old Rhetoricians taught, and which *Cicero* frequently practised, but which the austere and solemn spirit of *Demosthenes* refused to adopt from his first master, and seldom admitted into his orations, political or forensick.

Many at the bar and on the bench thought this a vitiated style; but, though dissatisfied as critics, yet, to the confusion of all criticism, they were transported as hearers. That faculty, however, in which no mortal ever surpassed him, and which all found irresistible, was his wit. This relieved the weary, calmed the resentful, and animated the drowsy: this drew smiles even from such as were the objects of it; scattered flowers over a desert; and, like sun-beams sparkling on a lake, gave spirit and vivacity to the dullest and least interesting cause. Not that his accomplishments, as an advocate, consisted principally in volubility of speech or liveliness of raillery. He was endued with an intellect, sedate, yet penetrating; clear, yet profound; subtle, yet strong. His knowledge too was equal to his imagination, and his memory to his knowledge. He was not less deeply learned in the sublime principles of jurisprudence and the particular laws of his country, than accurately skilled in the minute, but useful, practice of all our different courts. In the nice conduct of a complicated cause, no particle of evidence could escape his vigilant attention, no shade of argument could elude his comprehensive reason. Perhaps the vivacity of his imagination sometimes prompted him to sport where it would have been wiser to argue; and, perhaps, the exactness of his memory sometimes induced him to answer such remarks as hardly deserved notice, and to enlarge on small circumstances which added little to the weight of his argument: but those only who have experienced can, in any degree, conceive the difficulty of exerting all the mental faculties in one instant, when the least deliberation might lose the tide of action irrecoverably. The people seldom err in appreciating the character of speakers; and those clients who were too late to engage DUNNING on their side, never thought themselves secure of success, while those against whom he was engaged were always apprehensive of a defeat.

As a lawyer, he knew that Britain could only be happily governed on the principles of her constitutional, or publick law; that the regal power was limited, and popular rights ascertained by it; but that the aristocracy had

had no other power than that which too naturally results from property, and which laws ought rather to weaken than fortify: he was, therefore, an equal supporter of just prerogative, and of national freedom, weighing both in the noble balance of our recorded constitution. An able and aspiring statesman, who professed the same principles, had the wisdom to solicit, and the merit to obtain, the friendship of this great man; and a connection, planted originally on the firm ground of similarity in political sentiments, ripened into personal affection which nothing but death could have dissolved or impaired. Whether in his ministerial station he might not suffer a few prejudices insensibly to creep on his mind, as the best men have suffered because they were men, may admit of a doubt; but, if even prejudiced, he was never uncandid, and though pertinacious in all his opinions, he had great indulgence for such as differed from him.

His sense of honour was lofty and heroick; his integrity stern and inflexible; and though he had a strong inclination to splendour of life, with a taste for all the elegancies of society, yet no love of dignity, of wealth, or of pleasure, could have tempted him to deviate, in a single instance, from the straight line of truth and honesty. He carried his democratical principles even into social life, where he claimed no more of the conversation than his just share, and was always candidly attentive, when it was his turn to be a hearer. His enmities were strong, yet placable; but his friendships were eternal; and if his affections ever subdued his judgment, it must have been in cases, where the fame or interest of a friend were nearly concerned. The veneration with which he constantly treated his father, whom his fortunes and reputation had made the happiest of mortals, could be equalled only by the amiable tenderness which he shewed as a parent. He used to speak with wonder and abhorrence of Swift, who was not ashamed to leave a written declaration, "that he could never be fond of children;" and with applause of the caliph, who, on the eve of a decisive battle, which was won by his
valour

valour and wisdom, amused himself in his tent with seeing his children ride on his scymitar, and play with his turban, and dismissed a general, as unlikely to treat the army with lenity, who durst reprove him for so natural and innocent a recreation.

For some months before his death, the nursery had been his chief delight, and gave him more pleasure than the cabinet could have afforded: but this parental affection, which had been a source of so much felicity, was probably a cause of his fatal illness. He had lost one son, and expected to lose the other, when the author of this painful tribute to his memory parted from him with tears in his eyes, little hoping to see him again in a perishable state.—As he perceives, without affectation, that his tears now steal from him, and begin to moisten the paper on which he writes, he reluctantly leaves a subject, which he could not soon have exhausted; and when he also shall resign his life to the great Giver of it, he desires no other decoration of his humble grave-stone than this honourable truth:

With none to flatter, none to recommend,

DUNNING approv'd and mark'd him as a friend.

AD LIBERTATEM

AD
LIBERTATEM

CARMEN*.

VIRTUS renascens quem jubet ad sonos
Spartanam avitos ducere tibiam?

Quis fortium cætûs in auras
Ætherias juvenum ciebit,

Quos, Marti amicos, aut hyacinthinis
Flavâ in palæstrâ conspicuos comis;

Aut alma Libertas in undis
Egelidis agiles videbat,

Cæleste ridens? Quis modulabitur
Excelsa plectro carmina Lesbio;

Quæ dirus, Alcæo sonante,
Audiit et tremuit dynastes?

Quis myrteâ enssem fronde reconditum
Cantabit? Illum, civibus Harmodi

Dilecte servatis, tenebas:

Tuque fidelis Aristogiton.

Vix se refrænat fulmineus chalybs:

Mox igne divino emicat, exilit;

Et cor reluctantis tyranni

Perforat ictibus haud remissis:

* It may be proper, though unnecessary, to inform the classical reader, that some stanzas of this Alcaick are little more than a liberal translation from Collins's Ode to Liberty.

O ter placentem Palladi victimam !
Nec tu minorem Roma dabas Jovi ;
Ex ore cum Bruti sonaret,
Sanguine Cæsareo rubentis,
Vox grata Divis,—grataque Tullio !
Ah ! lacrymarum ne scatebræ fluant,
Afflicta Libertas, tuarum :
(O pudor ! O miseri Quirites !)
Vafri tacebo carnificis dolos,
Cui nomen Augusto impia plebs dedit ;
Fletura et infandas Neronum
Nequitias odiosiorum.
Nolo tyrannorum improbioribus
Sanctum inquinari nominibus melos,
Quos turpis ætas in Latinæ
Dedecus exitiumque gentis
Produxit. His te, Diva, furentibus,
Ad templa cæli et fidereas domos
Vidit jugatis subvolantem
Musa aquilis nitidoque curru.
At Roma, vasti molibus imperi
Sublata, centum nubila brachiis
Differt, colosseoque Olympi
Vertice verticibus minatur.
Sed, fervidi instar diluvii ruens,
Septem relictis turba trionibus
Formidolosorum gigantum
Hesperios populatur agros.
Qui plurimo conamine, plurimis
Immane adorti monstrum ululatibus,
Vix diro anhelantesque frenden—
—tesque trahunt strepitu ruinam.

Gens,

Gens, te remotâ, nulla diu potest
Florere. Mox tu purpureas, Dea,
Sedes reliquisti piorum,
Aufa novas habitare terras.
Tum vitibus Florentia vestiens
Colles apricos, et nemora aureo
Splendore malorum coronans,
Te coluit,—coluitque musas;
Casura amatâ, (væ miseræ!) manu.
At tu petebas pratula mollium
Pisarum, olivetumque Lucæ,
Et scopulos tenuis Marini.
Vix te vocabat, nec docilem sequi,
Dux gloriosæ gemmifer Adriæ;
Qui scandit, haud pauper maritus,
Cæruleum Thetidos cubile.
Post exulem te, nobilis insula,
Tutis recepit Corfica rupibus:
Quâ Marte non uno subactâ,
Sæve Ligur, nimium superbis.
Nunc te nivosas, Diva, libentius
Quæro per Alpes; durus ubi gelu
Helvetius frangit ligone, aut
Remigiis agit Lemnum:
Quæro per urbes, dona maris, novas,
Et fida sacris tecta ciconiis:
Quæro paludosos per agros,
Et validæ faliceta gentis;
Quæ fulmen Albani haud timuit ducis.
Hinc pulsa migras? quo, Dea, quo fugis?
Ah! grata dilectis Britannis
Nympha, tuos video recessus.

Olim,

Olim, hæc reclusit musa vetustior :
Inter feracis littora Galliæ
Interque divisum Albionis
Nulla solum resonabat unda :
At sæpe ab Icci, non madido pede,
Saxis verendas ad Doroberniæ
Sedes adornati ambulabant
Glandiferâ Druidæ coronâ.
Tunc æstuentes ad mare Suevicum
Fluctus ruebant tramite dissipto,
Quo belluosis horret Orcas,
Montibus et glaciata Thule.
Sed mox refurgens oceanus manum
Effert minacem ; et, dum croceum æthera
Scindunt percussis procellæ
Fulguribus, valido tridente
Divellit agros dissociabiles :
Tunc enatabas, pulchra Britannia,
Silvisque, et arvis, et sonoris
Amnibus egregiè triumphans.
Gemmata multâ tum Thetis insulâ
Risît : sacratis Mona, parens mea,
Ornata quercetis refulsit ;
Et zephyro recreata Vectis.
Hæc facta nutu, Diva potens, tuo :
Nam lassâ dulcis pomiferas Vagæ
Ripas, et undantis Sabrinae,
Nobile perfugium, eligebas ;
Remota Gallis :—Galli etenim truces,
(Psyche ut antehac barbari amabilem,)
Te reppulerunt exulantem ;
Gens meritas luitura pœnas !

Tunc

Tunc, in recessu fertilis insulæ
Lectò, sacratum nominibus tuis
Fanum smaragdis emicabat
Confitum et ætheriis pyropis.
Ventura jam tum fama Britannia,
Mirâ arte, miris picta coloribus,
Postesque et excelsum lacunar,
Et variam irradiabat aulam.
Depictus enssem protulit et stylum
Sidneius; heros, quem neque iudicis
Vultus, nec infamis tyranni
Terruit ira diu reposta.
Effulsit ardenti et gladio et lyra
Miltonus audens, cui nitidam nimis
Te, nuda Libertas, videnti
Nox oculos tenebrosa clausit:
Nunc templo in ipso, (quâ radiat vector
Orâ, profani, dicere,) vatibus
Insertus heroumque turmæ
Verba canit recitanda Divis.
O nympha! mæstam grata Britanniam
Ni tu revisas, percita civium
Non mite nepenthes levabit
Corda, salutiferumve moly.
Altaribus te jam tredecim vocat,
Te thure templisque urget America:
Audis; Atlanteumque pennis
Ire paras levibus per æquor.
Ah! ne rosæta et flumina deferas
Dilecta nuper: nam piget,—heu piget
Martis nefasti fratricidæ,
Imperiique malè arrogati.

Iam,

Iam, veris instar, præniteas novo
 Pacata vultu : Pax tibi fit comes ;
 Quæ blanda civilis duelli
 Sopiat ignivomos dracones.
 Cum transmarinis juncta sororibus,
 Nectat choream læta Britannia.
 Neu mitis absit, jam solutis
 Mercibus, haud violanda Iërne.
 O ! quæ paratur copia fulminis,
 Centum reposti navibus, improbos,
 Gallos et audaces Iberos,
 Civibus haud nocitura, frangat.

Idibus Martiis,

MDCCLXXX.

LETTRE

LETTRE

À

MONSIEUR A*** DU P***.

DANS LAQUELLE EST COMPRIS.

L'EXAMEN

DE SA TRADUCTION DES LIVRES

ATTRIBUÉS À

ZOROASTRE.

——— Beatus Fannius ultrò
Delatis caplis, et imagine.

Hor.

LETTRE

LETTRE

MONSIEUR A...

MONSIEUR A...

DANS L'AGENCE...

L'EXAMEN

DE LA TRADUCTION DES LITRES

ATTENTION

MONSIEUR A...

MONSIEUR A...

MONSIEUR A...

MONSIEUR A...

MONSIEUR A...

LETTRE

MONSIEUR A*** DU P****

NE foyez point surpris, Monsieur, de recevoir cette lettre d'un inconnu, qui aime les vrais talens, et qui fait apprécier les vôtres.

Souffrez qu'on vous félicite de vos heureuses découvertes. Vous avez souvent prodigué votre précieuse vie ; vous avez franchi des mers orageuses, des montagnes remplies de tigres ; vous avez flétri votre teint, que vous nous dites, avec autant d'élégance que de modestie, avoir été composé *de lis et de roses* ; vous avez essuyé des maux encore plus cruels ; et tout cela uniquement pour le bien de la littérature, et de ceux qui ont le rare bonheur de vous ressembler.

Vous avez appris deux langues anciennes, que l'Europe entière ignorait * ; vous avez rapporté en France le fruit de vos travaux, les livres du célèbre Zoroastre ; vous avez charmé le public par votre agréable traduction de cet ouvrage ; et vous avez atteint le comble de votre ambition, ou plutôt l'objet de vos ardens désirs ; vous êtes Membre de l'Académie des Inscriptions.

* Ce n'est point par affectation qu'on suit ici l'orthographe de M. de Voltaire. Ce grand écrivain qui a rendu tant de service à sa langue, a certainement raison, lorsqu'il dit *qu'on doit écrire comme on parle, pourvu qu'on ne choque pas trop l'usage*, et qu'étant très-dévoit à St. François, il a voulu le distinguer des Français.

Nous respectons, comme nous le devons, cette illustre et savante Académie : mais vous méritez, ce nous semble, un titre plus distingué.

Christophe Colomb ne découvrit qu'un nouveau monde, rempli de bêtes féroces, d'hommes plus féroces qu'elles, et de quelques mines de ce métal jaune, que vous avez prudemment négligé : mais pour vous, Monsieur, vous avez cherché une nouvelle religion, laissant aux hommes oisifs le soin de cultiver la leur. Les saints pères de votre chère patrie n'ont jamais affronté tant de périls, pour avancer le vrai culte, que vous en avez effuyé pour découvrir le faux.

Plus grand voyageur que Cadmus, vous avez rapporté, comme lui, de nouveaux caractères, et de nouveaux dieux. Nous disons de *nouveaux dieux*, car vous n'avez pas oublié, Monsieur, celui que vous volâtes dans une pagode près de Keneri.

A parler franchement, on doit vous faire pour le moins l'Archimage, ou grand prêtre des Guèbres, d'autant plus que, dans ce nouveau poste, vous auriez l'occasion de mettre un peu plus de *feu* dans vos écrits.

Voyageur, Savant, Antiquaire, Héros, *Libelliste*, quels titres ne méritez-vous pas ? On se contente de vous offrir celui qu'Horace donnait à Fannius dans l'épigraphe de cette lettre, que vous avez lue, sans peut-être vous douter de la justesse de l'application. Comme lui vous vous applaudissez sans mesure ; vous voilà *beatus* : vous avez déposé vos manuscrits à la bibliothèque royale ; voilà *delatis capsis* ; sans y être invité ; voilà *ultro* : et pour rendre la comparaison plus juste, vous nous donnez souvent votre portrait (*imaginem*) duquel vous paraissez fort épris. Mais Fannius était Poète, et par malheur il s'en faut de beaucoup, à la fiction près, que vous le foyez.

Vous

Vous avez certainement de plus hautes prétentions ; sacrifier au bien public les dons les plus brillans de la nature est toute autre chose que de cueillir quelques lauriers sur le Parnasse ; et vous ne nous laissez point ignorer ces sacrifices. Dans votre premier volume, à la vingtième page *, vous nous contez ce que vous souffrîtes pour “ *l'impertinence* “ *d'un jeune homme bien fait, et d'une très-jolie figure, dont l'air dédaigneux* “ *avait indigné les passagers ; ils engagèrent, dites-vous, deux matelots à* “ *le plonger dans la mer, lorsqu'ils le porteraient à terre en sortant de la* “ *chaloupe ; ce qui étoit très-social. On exécuta cette commission obli-* “ *geante ; mais, par une erreur dont vous fûtes la victime, et dont vous* “ *n'étiez pas trop fâché, on vous prit pour le beau damoiseau, et on vous* “ *étendit sur le sable, dans un endroit où il y avait quatre pieds d'eau.* “ *Vous fûtes le premier à rire de la méprise ;*” et avec grande raison, puisqu'elle devait vous servir à constater les charmes que vous possédiez avant votre laborieux pèlerinage.

Oh ! vous avez eu raison de nous faire part de cette anecdote : il importe très-fort, à ceux qui veulent s'instruire des lois de la Perse, de savoir, qu'au mois de Juin 1755 vous ressembliez à un petit-maître amoureux de soi-même.

Nous citerons un autre passage dans vos propres paroles, aussi modestes que bien choisies. “ *L'objet, dites-vous, qui m'amenait dans* “ *l'Inde, parut en lui-même beau, mais peu important ; et, si l'on me fit la* “ *grâce de ne me pas regarder comme un joli imposteur, qui s'était servi de* “ *ce prétexte pour venir dans cette contrée tenter fortune, on crut d'un* “ *autre côté que le même coup de soleil, qui ferait disparaître les roses de mon* “ *teint, dissiperait mes premières idées.*”

* On ne citera plus les pages de ce livre, qui ne sera lu de personne.

On ignore, Monsieur, ce que l'on pouvait penser à Pondichéri, sur la beauté, ou sur l'importance de l'objet qui vous y amenait, mais on peut vous assurer, qu'en Europe on ne vous prend pas au moins pour un *joli* imposteur.

Permettez maintenant, Monsieur, qu'on vous dise sérieusement ce que des gens de lettres pensent de votre entreprise, de vos voyages, de vos trois gros volumes, et de votre savoir que vous vantez avec si peu de réserve. Dans le cours de cet examen, on ne pourra s'empêcher de faire quelques réflexions sur la manière dont vous en usez à la fin de votre discours préliminaire, avec ceux qui méritent votre respect et votre reconnaissance.

On doit aimer le vrai savoir : mais toutes choses ne valent pas la peine d'être sues. Il est inconcevable que dans un siècle, où tous les arts se perfectionnent, et toutes les sciences s'épurent, ce qu'on appelle la littérature en général, soit, par faute de choix, presque barbare. On fait la profondeur des mers, on fait les lois et la marche de la nature, on fait ce qui se passe dans toutes les parties du monde habitable ; et on ignore combien de choses on ne doit pas savoir.

Socrate disait, en voyant l'étalage d'un bijoutier, " De combien de choses je n'ai pas besoin !" On peut de même s'écrier, en contemplant les ouvrages de nos érudits, Combien de connaissances il m'importe peu d'acquérir !

Si vous aviez fait cette dernière réflexion, vous n'auriez pas affronté la mort pour nous procurer des lumières inutiles.

La curiosité du public et des savans au sujet de Zoroastre cessa dès qu'on eut vu quelques lambeaux de ses prétendus ouvrages dans le
Saddar,

Saddar, et dans d'autres livres, écrits en Persan par des Mages qui étaient assurément plus à portée de les faire connaître qu'un Européen *au teint de rose*.

On possédait déjà plusieurs traités attribués à Zerdusht ou Zeratusht, traduits en Persan moderne ; de prétendues conférences de ce législateur avec Ormuzd, des prières, des dogmes, des lois religieuses. Quelques savans, qui ont lu ces traductions, nous ont assuré que les originaux étaient de la plus haute antiquité, parce qu'ils renfermaient beaucoup de platitudes, de bévues, et de contradictions : mais nous avons conclu par les mêmes raisons, qu'ils étaient très-modernes, ou bien qu'ils n'étaient pas d'un homme d'esprit, et d'un philosophe, tel que Zoroastre est peint par nos historiens. Votre nouvelle traduction, Monsieur, nous confirme dans ce jugement : tout le collège des Guèbres aurait beau nous l'affurer ; nous ne croirons jamais que le charlatan le moins habile ait pu écrire les fadaïses dont vos deux derniers volumes sont remplis.

Mais supposons, pour un moment, que ce recueil de galimatias contienne réellement les lois et la religion des anciens Perses ; était-ce la peine d'aller si loin pour nous en instruire ? Croyez-nous, Monsieur, vous auriez mieux fait de vous en tenir à vos belles lois féodales, et à votre religion Romaine, qu'apparemment vous chérissiez. Vous auriez pu être un grand Avocat, si vous parlez aussi bien que vous écrivez ; ou un excellent scholastique, avec tant soit peu plus d'orgueil.

Nous dirons même, et nous le dirons hardiment, que, s'il était possible de recouvrer tous les livres de Lycurgue, de Zaleucus, de Charondas, et s'ils ne contenaient rien de nouveau et d'intéressant, leur antiquité ne les ferait pas valoir ; ils ne serviraient qu'à satisfaire la ridicule curiosité de quelques fainéans, et n'influeraient nullement au bonheur

bonheur des hommes, lequel doit, sans contredit, être le but de la véritable littérature.

Daignez-vous rappeler le passage suivant dans un des opuscules de M. de Voltaire ; quoi qu'en général nous n'aimions pas les citations, nous faisons gloire d'adopter les pensées de cet illustre écrivain, l'honneur de la France : *Enfin, dit-il, dans ce recueil de cent portes ou préceptes tirés du livre de Zende, et où l'on rapporte même les propres paroles de l'ancien Zoroastre, quels devoirs moraux sont-ils prescrits ? Celui d'aimer, de secourir son père et sa mère, de faire l'aumône aux pauvres, de ne jamais manquer à sa parole, de s'abstenir quand on est dans le doute si l'action qu'on va faire est juste ou non.* Malheur au pays qui se trouve obligé de faire chercher ces préceptes dans la Zone brûlante ! et d'ailleurs trouve-t-on rien d'aussi sensé dans vos trois *in quarto* ?

Si ces raisonnemens, Monsieur, ne portent pas absolument à faux, il en résulte que votre objet n'était ni *beau* ni *important* ; que l'Europe éclairée n'avoit nul besoin de votre Zende Vasta ; que vous l'avez traduit à pure perte ; et que vous avez prodigué inutilement pendant dix-huit ans un temps qui devait vous être précieux.

Mais direz-vous, “ j'ai voulu apprendre deux langues anciennes, “ qu'aucun Européen n'a eues avant moi.” Quelle petite gloire que de savoir ce que personne ne fait, et n'a que faire de savoir ! on ne veut pas cependant vous priver de cette gloire : personne ne vous la disputera. On veut même croire que vous avez dans la tête plus de mots Zendes, c'est-à-dire, plus de mots durs, traînans, barbares, que tous les savans de l'Europe. Ne savez-vous pas que les langues n'ont aucune valeur intrinsèque ? et qu'un érudit pourrait savoir par cœur tous les dictionnaires qui ont jamais été compilés, et pourrait bien n'être à la fin du compte que le plus ignorant des mortels ?

D'ailleurs,

D'ailleurs, êtes-vous bien sûr que vous possédez les anciennes langues de la Perse ? Ignorez-vous qu'une langue ne saurait être comprise dans un seul ouvrage ? Que tel homme qui lirait assez couramment les livres de Moïse en Hébreu, avec le secours d'un Juif, ne comprendrait rien dans le Cantique des Cantiques sans ce secours ; et quand il le comprendrait, il n'en ferait pas plus avancé pour l'intelligence des fables de Sandabar, écrites dans le même dialecte ? On ne possède une langue que lorsqu'on a lu un nombre infini de livres écrits dans cet idiome. C'est pourquoi on n'aurait jamais su l'Hébreu sans la langue Arabe, où presque toutes ses racines se sont conservées. Par la même raison on ne saura jamais, ne vous en déplaise, les anciens dialectes de la Perse, tandis qu'ils n'existent que dans les prétendus livres de Zoroastre, qui d'ailleurs sont remplis de répétitions inutiles.

“ Mais,” direz-vous, “ me soupçonne-t-on d'avoir voulu tromper le public ? ” Non, Monsieur, *on ne dit pas cela*. Vous vous êtes trompé vous-même. Il était possible d'apprendre les caractères Zendes sans sortir de l'Europe ; il était facile de traduire en Français ce que le révérend Docteur Darab vous dicta en Persan moderne, en le comprenant, peut-être, très-peu lui-même : mais vous copiez ce ridicule Phébus ; vous apprenez quelques centaines de beaux mots Zendiques ; et à votre retour en France vous vous donnez comme le premier qui ait su la langue de Darius Hytaspes, et le seul qui se soit avisé d'écrire *sur la Perse, et sur l'Inde*.

On passera légèrement sur vos voyages, on croit que vous avez assez appuyé vous-même sur ce sujet. On observera seulement, en passant, qu'ils ne ressemblent pas à ceux d'un homme de lettres ; et on se hâte d'examiner la manière dont vous les décrivez, qui n'est pas celle dont M. Chardin et M. Bernier ont écrit avant vous *sur la Perse, et sur l'Inde*.

Vous

Vous paraîsez sentir vous-même le mérite de votre *discours préliminaire*. “ C’est un hors-d’œuvre, dites-vous, que je puis avoir tort de “ risquer.” Eh ! pourquoi donc en importuner le public ? Un auteur a beau s’excuser sur les défauts d’un ouvrage qu’il aurait dû corriger ou jeter au feu : mais pour vous, Monsieur, si vous avez manqué à vous faire cette justice, on doit vous pardonner ; vous avez, peut-être, craint de profaner l’élément sacré dont vous vous déclarez l’Apôtre. On louerait même votre piété, si votre rhapsodie était d’une longueur raisonnable ; mais est-elle une réparation suffisante pour ceux qui ont entrepris la tâche de lire plus de cinq cents pages de détails puérils, de descriptions dégoûtantes, de mots barbares, et de satires aussi injustes que grossières ?

Vous direz, sans doute, que vous n’avez employé que dix-huit ans à nous compiler ce fatras, qui nous fait bâiller, et nous indigne à chaque page. Souffrez qu’à ce propos on vous répète un bon mot du Comte de Rochester, que M. Dryden rapporte dans son *parallèle entre la poésie et la peinture* : un poète, parlant à ce Seigneur de sa tragédie, dit qu’il n’avait mis que trois semaines à la composer ; Comment diable, répondit-il, y avez-vous mis si long temps ?

Vous vous souvenez, peut-être, du proverbe cité par M. de Voltaire dans sa lettre au chapelain du roi de Suède, *Toutes vérités ne sont pas bonnes à dire*. Permettez qu’on y ajoute cette maxime : Celui qui prétend amuser ou instruire le public, doit le respecter trop pour l’importuner de toutes ses petiteesses, et ne doit lui présenter que des choses épurées et triées parmi toutes ses connaissances.

Il semble, à la vérité, que cette maxime n’est pas généralement adoptée ; car dès qu’un écolier a ramassé quelques lieux communs pitoyables, il lâche aussitôt les écluses de son grand savoir sur le public, qui

qui s'en trouve à présent inondé : et à la honte du siècle ces niaiseries trouvent quelquefois des lecteurs. Voilà le bien qu'a produit le bel art de l'imprimerie ! Tout ceci ne vous regarde pas. Il importe beaucoup à la littérature de savoir combien de fois vous avez pris l'ipékéuanha, et des apozèmes ; combien de fois vous avez eu la fièvre, la colique, les dartres : il est de la plus grande conséquence de voir la liste de tous les villages Indiens où vous avez passé et d'avoir le détail de toutes vos querelles.

Un lecteur éclairé fera sans doute charmé de savoir que dans la pagode d'Iloura “ à gauche et continuant par la droite, on aperçoit Maha Deo, et
 “ au-dessous de ce Dieu, Raona et neuf de ses têtes autour du Lingam, que
 “ le deuxième bas-relief présente Maha Deo, Parbati, et au-dessous les
 “ Brabmes de Raona ; le troisième Maha Deo, Parbati, Pendi (ou Pando)
 “ et au-dessous, un bœuf ; le quatrième, les mêmes figures ; le cinquième, un
 “ Brabme ; le sixième, Maha Deo, et Parbati ; le septième, Banguira ; le
 “ huitième, Maha Deo, et Parbati ; le neuvième, les mêmes figures avec un
 “ bœuf ; le dixième, la même chose ; le onzième, Rajab Bal ; le douzième,
 “ Maha Deo, Parbati, et un voleur ; le treizième, Ram et sa femme Gar-
 “ gam ; le quatorzième, Schiddadji et sa femme ; le quinzième, Djakodji
 “ et sa femme ; le seizième, Maha Deo, Parbati, et un bœuf ; le dix-sept-
 “ ième, Seadji ; le dix-huitième, Narchiotar dans un Kambour ; le dix-
 “ neuvième, Toulladji ; le vingtième, Mankoudji ; le vingt-unième Satvadji ;
 “ le vingt-deuxième, Latchimana ; le vingt-troisième, Dondi ; le vingt-
 “ quatrième, Mallari ; le vingt-cinquième, Bonbi ; le vingt-sixième, Tche-
 “ menandji ; le vingt-septième, Makoundji ; le vingt-huitième, Moradji ; le
 “ vingt-neuvième Nembadji, à quatre bras ; le trentième, Dondi, et sa
 “ femme à quatre bras ; le trente-unième Schamdji, voleur, qui a quatre
 “ bras, et à gauche sa femme ; le trente-deuxième, Anandji, Bibi (femme) ;
 “ le trente-troisième, Goupala ; le trente-quatrième, Manoukou à quatre
 “ bras, attaché à un pilier ; le trente-cinquième, Anandji, avec un visage de
 “ tigre,

“ tigre, dévorant Kepaldji, et auquel on tire les entrailles du ventre ; le
 “ trente-sixième, Ramsedj couché ; le trente-septième, Gurigoorden, à quatre
 “ bras ; le trente-huitième, Basék Rajah à six bras ; le trente-neuvième,
 “ Kresnedji (ou Keeschtnedji) à quatre bras, couché sur Garour ; le quarant-
 “ ième, Vischnou qui avale une femme ; le quarante-unième, Tchendoupala à
 “ quatre bras, marchant sur Matchelé ; le quarante-deuxième, Goindrâs à
 “ quatre bras, appuyé sur une espèce de trône ; le quarante-troisième, Ana-
 “ purna, Bibi.”

Voilà à peu près le langage de votre agréable discours préliminaire. Ce ne font là, direz-vous, que des fables Indiennes ; mais sied-il à un homme né dans ce siècle de s'infatuer des fables Indiennes ? Ce n'est point ainsi que le Chevalier Chardin écrivit le voyage de Perse, ni M. Bernier celui de Cachemir : ils écrivirent tous deux avec autant de pureté que de goût. Un voyageur doit profiter de ces illustres exemples ; la *beauté* de son *teint*, et *cet air de douceur*, dont vous parlez, ne lui serviront de rien, s'il ne met pas un peu de *grâces* dans ses écrits.

Quelquefois, à la vérité, il vous prend envie de plaisanter. On vous fit chanter le Crédo en faux-bourdon, et vous infinuez, qu'étant Français, vous étiez pris pour musicien. Tranquillisez-vous, Monsieur ; on ne fait pas au juste ce qu'en pensent les prêtres Indiens, mais on vous assure que, si vous revenez en Angleterre, on ne vous fera pas chanter. Les Anglais connaissent trop bien la mélodie de votre nation musicale.

Jusqu'ici, Monsieur, nous n'avons d'autre plainte envers vous, que celle de nous avoir endormis ; ce qui n'est pas certainement un crime en soi-même : quant à ceux qui craignent ces vapeurs soporifiques, il leur est facile ou de ne pas lire un livre qui les donne, ou de l'oublier ; le remède est aussi naturel que la précaution est bonne.

On

On ne dira rien ici de votre style dur, bas, inélégant, souvent ampoulé, rarement conforme au sujet, et jamais agréable. Il est permis, peut-être, à un voyageur d'écrire un peu à la Persane; mais après le siècle de Bossuet et de Fenelon, et dans celui de M. de Voltaire et de M. d'Alembert, un Français doit au moins écrire avec pureté dans sa langue naturelle; et sûrement un membre de l'Académie des Belles-lettres doit avoir honte qu'un étranger lui reproche les défauts de son style. On voit bien que vous n'êtes pas de l'Académie Française.

Nous aurons plus à dire sur la fin de votre discours. Vous recourûtes, Monsieur, aux Anglais; ils vous protégèrent contre votre nation; vous revîntes en Europe dans un de leurs vaisseaux; vous abordâtes en Angleterre dans un temps de guerre; les hommes les plus distingués du royaume s'empresèrent de vous rendre service; vous allâtes à Oxford; on vous y reçut avec la même politesse: d'où vient donc que vous regardâtes d'un œil si malin une nation que l'Europe entière respecte, et qu'elle respectera? Quelle punition votre Zoroastre ordonne-t-il pour les ingrats? Combien *d'urine de bœuf* font-ils obligés d'avaler? On vous conseille, Monsieur, de prendre une dose de cette sainte et purifiante liqueur.

Pour épargner le lecteur, on ne relevera point l'indignité avec laquelle vous parlez d'un respectable Astronome qui vous fit l'honneur de vous visiter à St. Hélène. Votre basse et dégoûtante plaisanterie à son sujet est-elle d'un ton à s'allier avec celui du traducteur du Pazend? Vous ajoutez "*voilà les Français.*" C'est insulter, Monsieur, à votre illustre nation que de leur imputer des mœurs, qui ne seraient pas dignes des sauvages du Cap de Bonne Espérance. Nous connaissons des Français de distinction, avec lesquels vous n'êtes pas, ce nous semble, très-lié, qui seraient indignés d'un pareil procédé à l'égard du plus vil de leurs vassaux.

Non,

Non, Monsieur, vous ne nous persuaderez jamais que c'est votre climat que vous donne la petitesse d'esprit, et la bassesse du cœur. Ni par votre belle exclamation sur vos compatriotes, ni par vos invectives contre les nôtres, vous ne parviendrez au but de la Satire, qui est d'être, crue, et de porter coup. La société des Français bien nés, bien élevés fera fure et agréable quoique la vôtre soit insipide et dangereuse; et nos gens de mérite ne cesseraient pas d'être estimables, quand même tous les fots présomptueux de la terre compteraient les verres de vin qu'ils boivent.

En effet, comment traiter un foi-disant littérateur que s'efforce de tourner en ridicule des personnes, dont il n'a reçu que des marques de bienveillance? Quel titre faut-il donner à celui qui reçoit des rafraîchissemens chez des savans illustres, ne fût-ce que du thé, et qui les calomnie sans provocation dès qu'il les a quittés, qui viole les lois de l'hospitalité, lois si religieusement observées parmi les Orientaux, qui déshonore, nous ne disons pas le titre de savant, mais celui d'homme?

Nous avons, Monsieur, l'honneur de connaître le Docteur Hunt, et nous faisons gloire de le respecter. Il est incapable de tromper qui que ce soit. *Il ne vous a jamais dit*, il n'a pu vous dire, qu'il entendait les langues anciennes de la Perse. Il est persuadé, aussi bien que nous, que personne ne les fait, et ne les saura jamais, à moins qu'on ne recouvre toutes les histoires, les poëmes, et les ouvrages de religion, que le Calife Omar, et ses généraux cherchèrent à détruire avec tant d'acharnement; ce qui rend inutile la peine de courir le monde aux dépens de l'éclat d'un *visage fleuri*. Il ne regrette pas à la vérité son ignorance de ces langues: il en est assez dédommagé par sa rare connaissance du Persan moderne, la langue des Sadi, des Cachefi, des Nezâmi, dans les livres desquels on ne trouve ni le Barfom, ni le Lin-

gam,

gam, ni des observances ridicules, ni des idées fantastiques, mais beaucoup de réflexions piquantes contre l'ingratitude et la fausseté.

Vous n'avez qu'à vous louer de la politesse de cet homme estimable, ainsi que de celle du célèbre Antiquaire, auquel vous vous êtes adressé, et avec lequel vous en usez si poliment. Ses recherches sur l'histoire, et sur l'antiquité ont reçu une approbation générale. Vous sied-il après cela de prodiguer vos prétendues faillies Françaises au sujet de sa figure ? Mais on peut tout attendre *d'un teint de roses* : il est pour le moins aussi dangereux que le petit nez retroussé dans le conte de M. Marmontel. Le nombre des hommes que l'on *plonge dans la mer* à cause de leur beauté n'est pas bien considérable en Europe ; comment pouvez-vous, Monsieur, supporter toutes les chétives physionomies qui vous entourent ?

Vous faites l'éloge de M. Stanley : c'est le moins que vous lui deviez ; il vous a rendu des services plus essentiels que ne le sont vos louanges. Vous en parlez comme d'un homme de goût, et vous avez raison. Ne perdrait-t-il pas dans votre opinion, comme sûrement vous perdriez dans la sienne, s'il avait lu votre traduction ? Nous souhaitons pour l'amour de lui qu'il ne la lise jamais.

On ne prendra pas la peine de relever toutes les erreurs dont votre récit fourmille ; mais on se croit obligé de vous reprendre sur quelques-unes, auxquelles ceux qui n'ont pas encore lu votre Zende Vasta pourraient ajouter foi trop légèrement.

En Angleterre, dites-vous, le titre de Docteur, donné à tous les savans, en fait un corps à part, qui a tout le pédantisme de l'école. La plupart résident à Oxford et à Cambridge, villes, dont l'air, à un mille à la ronde, semble imprégné de Grec, de Latin, et d'Hébreu.

Pouvez-

Pouvez-vous croire sérieusement, Monsieur, qu'on ne saurait être savant en Angleterre sans être *docteur*, et que ce titre est donné à tous les hommes de lettres ? comme si l'on prenait des degrés en littérature ; comme si un ministre, un officier, un membre du parlement, un juriconsulte, qui doit tout savoir, étaient obligés de rester dans l'ignorance à moins qu'ils ne prissent le bonnet ! Pouvez-vous ignorer que les nobles, les hommes d'état, les généraux, les interprètes des lois de cette nation, se glorifient d'avoir été élevés dans l'une ou l'autre de ces Universités ? qu'on y étudie les sciences, les beaux arts, les lois civiles et municipales, qui valent pour le moins celles des Guèbres ? et si l'on n'a pas honte d'y lire les beaux ouvrages des anciens, c'est avec un esprit bien différent de celui dont vous avez lu les prétendues lois d'un prétendu législateur.

Est-il permis, après avoir publié trois volumes d'inepties, d'appliquer le beau nom de pédans à ceux qui se sont donné tant de peine à simplifier, à épurer la littérature ?

Est-il permis à un homme, dont le seul mérite, selon son propre aveu, est de savoir par cœur quelques milliers de mots Zendiques et Pehlevaniques, de parler avec mépris des langues Grecque et Romaine, que les Despreaux, les Racines, les Bossuets se glorifiaient de savoir, et dont ils tiraient le fond de leurs immortels ouvrages ?

Cet homme extraordinaire, qui a continué pendant soixante années à cultiver les lettres, et à les enrichir, ne fait pas scrupule de dire dans sa lettre écrite, il y a quatre ans, à M. d'Olivet, que *le Grec et le Latin sont à toutes les autres langues du monde ce que le jeu d'échecs est au jeu de dames, et ce qu'une belle danse est à une démarche ordinaire*. Michel Cervantes, aussi grand écrivain qu'homme d'esprit, en dit à peu près la même chose, et les appelle *les reines des langues*. Ce n'est pas à cause de leur beauté, de leur mélodie, de leur énergie, que ces auteurs ont loué les
anciens

anciens idiomes de Grèce et d'Italie ; c'est qu'ils étaient ceux de Pindare, et d'Horace, de Sapho, et de Catulle, de Démosthène, et de Cicéron. On sent bien, pour toutes ces raisons, que ces langues ne sont pas les vôtres. Mais souvenez-vous de cet axiome : décrier ce qu'on ignore, et parce qu'on l'ignore, c'est le partage des fots.

Daignez aussi vous ressouvenir, quand vous parlez de la littérature des Anglais, que, si les mots *collège* et *écolier*, sont équivoques dans votre langue, ils présentent un sens très-différent dans la leur de celui que vous leur donnez. Dans ce sens leurs Universités ne sont pas composées de *collèges* et d'*écoliers*, comme vous le dites ; mais la noblesse Anglaise, après avoir appris les langues et les élémens des sciences aux *collèges*, passent à *l'Université* trois ou quatre de leurs plus beaux ans pour approfondir ce qu'ils ont déjà effleuré, avant que de visiter les pays étrangers, ou de briller dans la cour plénière de la nation.

Sachez, Monsieur, que l'Université que vous décrivez, et dont vous n'avez pas la moindre idée, jouit d'un privilège que n'ont pas vos Académies. C'est celui qui distingue l'homme libre, de l'homme qui ne l'est pas ; celui de faire ses propres lois dans la grande assemblée du royaume. Elle choisit ses représentans parmi ceux qui ont le plus de talent et de vertu. Elle n'est pas, comme on fait, le seul corps politique de l'Angleterre qui jouisse de ce beau privilège ; mais elle fait plus : elle n'en abuse point. La moindre recommandation de la part du ministère ; la moindre cabale de la part du candidat suffirait pour le faire rejeter. A-t-il des talens, de la vertu ? Il peut espérer d'atteindre à cette haute dignité. N'en a-t-il point ? Il ne l'atteindra jamais. Tandis que l'Université d'Oxford préservera ce droit précieux, elle fera la plus respectable Académie qui ait jamais existée.

On se hâte de finir l'examen de votre premier volume.

Vous

Vous triomphez, Monsieur, de ce que le Docteur Hyde ne savait pas les langues anciennes de la Perse ; et vous ne dites rien de nouveau. Tous les étudiants de la littérature Orientale avaient déjà que les misérables poèmes appelés *Saddar* et *Ardiviraf Nama* étaient écrits en langue Persane moderne, et seulement en caractères anciens. Un jeune homme, qui s'est amusé pendant quelque temps de ces bagatelles, et qui s'occupe à présent à étudier des lois, qui ne sont pas celles de Zoroastre, nous avait expliqué plusieurs années avant la publication de votre livre, ce couplet, dont le sens est

Ils étendirent de beaux tapis tissus de perles,

Ils répandirent de tous côtés des parfums et des odeurs.*

Il nous a dit que les mots *besât* tapis, *bekhór* parfum, et *atar* odeur, étaient Arabes, et que par conséquent ces vers avaient été faits après le milieu du septième siècle. Ce même homme nous a fait remarquer que dans la première édition de l'ouvrage de Hyde, p. 102, on a répété le mot *afkendend*, *ils étendirent*, deux fois, que la méprise ne consistait que dans une seule lettre, et que l'on doit mettre dans le second vers *afshandend*, *ils répandirent* ; de manière que le distique s'écrive,

Besati naghzi goherbast afkendend

Bekhor u atar ez her sou afshandend†.

* En Persan moderne.

بِسَاطِ نَغْرِزِ گَهْرَبَافَتِ افکَنَدَنَدَ

بَخُورِ وِطَرِ اَزِ هَرِ سُوِ افشاندند

† En Caractères anciens.

بِسَاطِ نَغْرِزِ گَهْرَبَافَتِ افکَنَدَنَدَ
بَخُورِ وِطَرِ اَزِ هَرِ سُوِ افشاندند

car

car en lisant *parakendend* il y a une syllabe de trop dans le vers, à moins qu'on ne lise *basteb* au lieu de *bast* dans le premier membre du couplet, ce qui paraît plus grammatical ; et alors le distique se scandera,

Běfāti nāgb | zǐ gōbērbāf | tēb āfkēndēnd |

Běkbōr u at | ar ēz bēr sōu | pārkēndēnd |

Mais il est inutile de vous parler de vers ; ils ne sont pas de votre compétence.

Vous reprenez le Docteur Hyde de ce qu'il ignorait que les cinq *gabs* signifiaient les cinq parties du jour ; de ce qu'il dit *tou* au lieu de *ton* ; et de ce qu'il ne savait pas qu'*Aberman*, le nom de votre diable Persan, était une abréviation du mot mélodieux *Engbri meniosch* ; car vous savez qu'en changeant *Engbri* en *Aber* et *meniosch* en *man* on fait *Aberman*. De la même manière on peut faire le mot *diable* en changeant *Engbri* en *di*, et *meniosch* en *able*.

Vous nous apprenez mille autres choses également curieuses et intéressantes, lesquelles valaient bien la peine d'être cherchées entre les Tropiques.

On ne fera point ici l'apologie du Docteur Hyde. C'est le sort de ceux qui se sont appliqués à étudier les lois des Guèbres, d'avoir beaucoup de vaine érudition, très-peu de jugement, et point de goût. Mais sachez-vous que cet homme aimable et industrieux ne vivait pas dans le dix-huitième siècle, ou n'en vit que le commencement, et qu'il n'avait ni les secours, que vous avez eus sans en profiter, ni les exemples que vous avez connus sans les suivre. Vous citez de temps en temps la *Bibliothèque Orientale* ; ce livre aussi profond qu'agréable aurait pu vous servir de modèle. Mais vous étiez résolu d'être un *original*.

De plus, savez-vous que le Docteur Hyde composa une élégie Persane sur la mort du roi Guillaume III.? Ce petit poëme de treize distiques est imprimé en caractères anciens, dont il avait fait fondre des types. Vous n'aurez garde, Monsieur, de nous montrer vos élégies.

Revenons-en aux Guèbres. Vous avez rapporté de l'Inde des manuscrits orientaux que l'Europe possédait déjà: mais vous n'avez pas cherché ceux dont elle avait besoin. Vous n'avez point rapporté l'original du *Calila va Demna*, livre charmant, écrit en Indien, et traduit dans toutes les langues connues sous le nom de *Fables de Pilpai*; ni la traduction du même ouvrage en Pehlevi, faite dans le sixième siècle par l'ordre du roi Nouchirvan. Nous avons une traduction Arabe, faite à la lettre sur cette dernière, avec le secours de laquelle (si l'on avait les deux autres manuscrits) on pourrait apprendre quelque partie des langues Sanscrite, et Pehlevanique, si quelqu'un était assez oisif pour entreprendre cette tâche.

Vous n'êtes pas trop exact même dans les titres de vos manuscrits; 1. Celui nommé *Tobfat el Irakein*, ou *Le Don des deux Iraques*, n'est pas, comme vous l'annoncez, l'histoire de deux rois Irakiens, mais une description poétique des rivières, montagnes, prairies, &c. dans les deux provinces nommées Iraques, c'est-à-dire l'ancienne Babylonie, et la Parthie: 2. Le poëte Hafez n'était point le cousin germain, ni même le contemporain de Sadi, attendu qu'il mourut dans l'an de notre ère 1394, et que Sadi était né en 1175, et par malheur pour votre calcul, avait vécu seulement six-vingts ans: 3. *Les Contes du Perroquet* étaient composés par un natif de Nakhshheb, ville de la Tranfoxane, qui par conséquent est surnommé *Nakhshhebi*, et non *Nakhshi*, comme vous l'appellez.

Voilà

Voilà réellement des minuties ; mais à l'exemple du traducteur du *Zende Vasta*, on se réserve le droit d'être quelquefois ennuyeux.

Passons à votre second volume, dans lequel vous annoncez la vie d'un grand législateur, et vous débutez par des contes, que le sage dervis, auteur des *Mille et un Jour*, aurait rougi d'insérer parmi les siens. Ciel ! que de remplissages ! On voit d'abord des *notices* affommantes de vos manuscrits, dont vous avez déjà parlé mille fois ; puis cent pages de *sommaires* de tout l'ouvrage, que personne ne lira, et dont nous ne pouvons feignons la lecture à personne.

La seule chose curieuse qu'on trouve dans vos *notices*, y est à votre insçu, et par hasard. Vous abrégez à votre façon un conte Persan, dans lequel un magicien puissant menace de tuer un philosophe, s'il ne répond pas à toutes ses questions. Il lui demande *ce que c'est que le beau sexe désire le plus* : l'autre répond que c'est *la tendresse d'un amant*. Le magicien appelle sa femme pour décider de la vérité de cette réponse : elle veut sauver la vie au philosophe, et lui révèle le secret du magicien en lui avouant que le souverain bonheur de son sexe consiste à *être obéi, et à exercer le pouvoir*. Or, comme on voit d'abord que cette idée orientale a fourni le sujet d'un agréable conte à notre Chaucer, on peut supposer qu'il l'avait prise des Provençaux dans un temps, où les livres Asiatiques commençaient à être connus en Europe.

Vous étalez le mérite de vos recueils Persans, qu'il vous plaît d'appeler *Ravaât*, mot Arabe, et par conséquent très-moderne en Perse, qui signifie *traditions*. Ces recueils ne sont pas rares. M. Fraser en avait rapporté un de l'Inde, qui est plus étendu que le vôtre, quoique vous affectiez d'en parler avec mépris. Cet Ecoffais, Monsieur, qui savait le Persan moderne pour le moins aussi bien que vous, annonce son manuscrit dans sa liste imprimée, comme un recueil de toutes les traditions authentiques

authentiques touchant les lois de Zoroastre. *Lucius ait ; Fannius negat : utri creditis, Quirites ?*

On n'aura garde de mentionner ici toutes vos bévues : mais on en relèvera quelques-unes, peu importantes, à la vérité, mais telles qu'un savant aurait dû éviter. Le Docteur Darab aurait pu vous dire, Monsieur, que *Zohoré* n'est pas le nom de Jupiter, ni *Moschteri* celui de Venus. Vous avez transposé les noms de ces deux planètes : *Zohora*, qui signifie *lumineuse* en Arabe, est celle que nous nommons Venus, à laquelle les poètes orientaux donnent un des attributs de l'Apollon des Grecs, celui de porter une harpe, et de la pincer délicieusement. Venus est donc selon eux la déesse de la musique ; et dans ce sens les Français ne font pas nés sous cette planète.

Vous confondez les mots *Iran*, et *Arran*, qui n'ont pas la même orthographe en Persan *. Vous parlez de *l'Iran proprement dit*. Sachez qu'il n'y a point d'*Iran improprement dit*. Le pays d'*Arran* faisait partie de l'ancienne Médie ; les géographes Asiatiques le joignent souvent avec *l'Azarbigian*. *L'Iran*, ou *l'Airan*, écrit avec un A et un I, est le nom général de l'empire des Persans, opposé à celui des Tartares, ou le Touran.

Nous observons que dans vos citations des prétendus livres Zendes, vous faites usage du mot *Din* pour signifier la loi et la religion. Or ce mot est purement Arabe, et par conséquent ne pouvait pas se trouver dans un livre Zende. Nous soupçonnons que vos Guèbres ressemblent à ces Bohèmes vagabonds, qui prétendent savoir la langue ancienne de l'Egypte, en tirent une horoscope pour deux sous.

On peut ajouter que la plus grande partie de votre vie de Zoroastre

* Irán ايران Arrán اران

est tirée ou des livres Persans, que nous avons déjà, ou de la traduction de quelques livres Grecs, que nous serions bien aises de n'avoir jamais eus ; et que ce législateur, si votre narré est vrai, était le plus détestable de tous les hommes.

Nous venons, Monsieur, à votre fameuse traduction sur laquelle vous fondez toute votre gloire.

Le premier ouvrage que vous nous offrez n'est qu'une liturgie ennuyeuse, avec le détail de quelques cérémonies absurdes. Voici le style de ce livre inintelligible. “ Je prie le Zour, et je lui fais iescht. Je prie le “ Barsom, et je lui fais iescht. Je prie le Zour et je lui fais iescht. Je prie “ le Zour avec le Barsom et je lui fais iescht. Je prie le Barsom avec le “ Zour, et je lui fais iescht. Je prie le Zour sur le Barsom, et je lui fais “ iescht. Je prie le Barsom sur ce Zour, et je lui fais iescht. Je prie le “ Zour sur ce Barsom, et je lui fais iescht, &c. &c.” Il est bon d'avertir ici que le Zour n'est que de l'eau, et que le Barsom n'est qu'un faisceau de branches d'arbres. Zoroastre ne pouvait pas écrire des sottises pareilles. C'est, sans doute, la rapsodie de quelque Guèbre moderne.

Ce qui nous confirme dans cette idée, c'est que vous mettez à la marge les mots *pargard awel* pour signifier *première section*. Or ce mot *awel* est Arabe, et Zoroastre ne savait pas la langue Arabe. Vous citez souvent les mots de cette langue, pour de l'ancien Zende ; comme *nekâb*, mariage, *tavbid*, déclaration de l'unité de Dieu, et *tâvidh*, un préservatif, qui ne sont que de simples géronatifs Arabes. Dans votre traduction des *Ieschts Sadés*, manuscrit Zende, vous avez l'effronterie de faire mention de *Nouschirvan Adel*, qui régnait à la fin du sixième siècle, et dont le titre d'*Adel* ou *Le Juste* lui fut donné par Mahomet. Voilà votre ancienne langue de Perse.

On

On fera grâce au lecteur du reste de votre traduction, qui ne dit rien ni au cœur ni à l'esprit. Tout votre *Zende Vasta* n'est qu'un tissu d'exclamations puériles, si nous en exceptons le *Vendidad*, ou *Pazend*, qui seul a quelque air d'authenticité : encore n'est-ce, selon vous, que la vingtième partie de l'ancien livre de Zoroastre. Nous demandons, Où sont les autres parties ?

Il faut vous demander encore pourquoi les Persans eux-mêmes disent unanimement que Zoroastre publia trois ouvrages, le *Zende*, ou le livre de vie, le *Pazend*, ou la confirmation de ce livre, et le *Vasta*, ou *Avesta*, qui en était la glose ? * Les Persans étaient, sans doute, à portée de savoir la vérité de ce qu'ils avançaient. Il faut ajouter foi à leur témoignage.

Nous dirons en passant que vous n'êtes pas le premier qui nous ait enseigné que les livres de Zoroastre étaient écrits dans un ancien dialecte de la Perse, différent du Pehlévannique. M. d'Herbelot le dit dans l'article *Usta* de sa *Bibliothèque Orientale*, livre, qui fait beaucoup d'honneur à votre nation, et que vous citez très-souvent sans en faire votre profit.

Les vingt-deux chapitres de votre *Pazend*, quoique, peut-être, plus anciens que le reste de l'ouvrage, sont de si peu au-dessus de l'*Izeschné*, et *Vispered*, que ce n'était certainement pas la peine de les publier. Ils ne contiennent rien qui réponde au caractère de philosophe et de législateur. Nous en citerons seulement la description du chien ; et si, après cette absurde rapsodie, la plus intelligible, et la plus importante partie du livre, le lecteur veut le lire en entier, il a du courage. Voici donc Zoroastre, qui parle par son *bel* interprète.

* En Persan, زند , پازند , واستا

Le chien a huit qualités : il est comme l'Athornè (le prêtre), il est comme le militaire, il est comme le laboureur principe de biens, il est comme l'oiseau, il est comme le voleur, il est comme la bête féroce, il est comme la femme de mauvaise vie, il est comme la jeune personne. N'est-ce pas là un beau groupe ! mais il nous faut des détails : oh ! nous en aurons de vraiment sublimes. Ecoutons.

*Comme l'Athornè, le chien mange ce qu'il trouve ; comme l'Athornè il est bienfaisant et heureux ; comme l'Athornè, il se contente de tout ; comme l'Athornè, il éloigne ceux qui s'approchent de lui : il est comme l'Athornè. Voilà ce qui s'appelle une précision géométrique dans les formes. Il y a seulement quelque petit manque de sens commun dans la démonstration ; mais cela est bien racheté par la manière fine et élégante dont Zoroastre fatirise les prêtres : et ces paroles, *il mange ce qu'il trouve*, sont fort énergiques. Au reste on voit que le ton poli a été long-temps avant nous de donner le titre de *chien* très-libéralement.*

Le chien marche en avant comme le militaire ; il frappe les troupeaux purs en les conduisant comme le militaire ; il rôde devant, derrière les lieux comme le militaire : il est comme le militaire. Il y a bien des guerriers qui ne trouveraient pas la comparaison flatteuse. Monsieur le traducteur, en connaissez-vous, qui s'en accommoderaient ?

Le chien est actif, vigilant, pendant le temps du sommeil, comme le laboureur principe de biens ; il rôde devant, derrière les lieux, comme le laboureur principe de biens ; il rôde derrière, devant les lieux, comme le laboureur principe de biens : il est comme le laboureur. Devant, derrière, derrière, devant——Répétition gracieuse et emphatique !

Comme l'oiseau le chien est gai ; il s'approche de l'homme comme l'oiseau ; il se nourrit de ce qu'il peut prendre comme l'oiseau : il est comme l'oiseau.

De

De la même manière on peut prouver que le chien ressemble à tous les animaux de l'histoire naturelle de M. Buffon. Le finge se nourrit de ce qu'il peut prendre, le chat de même, l'écureuil de même, et tous les animaux de même. Ergo, le chien ressemble à tous les animaux. Ah, la belle chose que la logique Persane ! Si celui qui nous la rend si éloquemment voulait en tenir école, et en imprégner l'air à la ronde, quel ton léger ne serait pas substitué à la pédanterie Latine et Grecque ?

Le chien agit dans l'obscurité comme le voleur ; il est exposé à ne rien manger comme le voleur ; souvent il reçoit quelque chose de mauvais comme le voleur ; il est comme le voleur. Le pauvre chien commence à perdre dans les parallèles ! mais malgré la bonne intention de Zoroastre en sa faveur, y avait-il beaucoup gagné ?

Le chien aime à agir dans les ténèbres comme la bête féroce ; sa force est pendant la nuit, comme la bête féroce : quelquefois il n'a rien à manger comme la bête féroce ; souvent il reçoit quelque chose de mauvais comme la bête féroce ; il est comme la bête féroce. Tournures à chaque instant nouvelles et agréables ! Ne riez pas, lecteur : respectez l'antiquité ; admirez tout dans Zoroastre.

Le chien est content comme la femme de mauvaise vie ; il se tient dans les chemins écartés comme la femme de mauvaise vie ; il se nourrit de ce qu'il peut trouver comme la femme de mauvaise vie : il est comme la femme de mauvaise vie. Le philosophe voulait prouver qu'il connaissait parfaitement tous les états ! Qu'importe que ce fût aux dépens du chien et de la raison ? mais patience ! Voici la dernière comparaison pour le moins aussi juste que toutes les autres.

Le chien dort beaucoup comme la jeune personne ; il est brûlant et en action

action comme la jeune personne ; il a la langue longue comme la jeune personne ; il court en avant comme la jeune personne. Tels sont les deux chefs que je fais marcher dans les lieux, savoir, le chien Pesoschoroun et le chien Veschoroun, &c.

Ormuzd, grand Ormuzd, principe de tous biens parmi les Guèbres, si tu as dicté cette *chienn*e de description à Zoroastre, je ne te fais pas *iescht* ; tu n'es qu'un sot Génie ; peut-être, *au teint de lis et de roses*, mais sûrement sans cervelle !

Vous voyez, Monsieur, que le mal se gagne ; nous donnons à notre tour dans les exclamations : aimeriez-vous mieux ce dilemme ? Ou Zoroastre n'avait pas le sens commun, ou il n'écrivit pas le livre que vous lui attribuez : s'il n'avait pas le sens commun, il fallait le laisser dans la foule, et dans l'obscurité ; s'il n'écrivit pas ce livre, il était impudent de le publier sous son nom. Ainsi, ou vous avez insulté le goût du public en lui présentant des sottises, ou vous l'avez trompé en lui débitant des faussetés : et de chaque côté vous méritez son mépris.

Nous croirons plutôt les Guèbres eux-mêmes, lorsqu'ils nous assurent que les livres de leur législateur furent brûlés par Alexandre. Nous savons d'ailleurs que les Rois de la famille Sassanienne ramassèrent tous les anciens livres qu'ils pouvaient trouver, et que les généraux d'Omar les firent presque tous détruire, selon les ordres que ce Calife avait reçus de Mahomet. Les Mahométans, tolérans pour toutes les autres religions, sont intolérans pour les idolâtres, et les adorateurs du feu ; et si quelques familles de ces malheureux trouvèrent le moyen de se retirer dans l'Inde, ils ne purent conserver que quelques traditions imparfaites au sujet de leurs anciennes lois.

Tels sont les livres que vous allâtes chercher à Surate. Ils sont assez barbares en eux-mêmes, et ils n'ont pas gagné dans votre barbare traduction.

duction. Tout votre livre est si bigarré de mots étrangers qu'il est nécessaire de savoir un peu le Persan pour comprendre votre Français. Votre ouvrage a l'air d'un grimoire, mais on y voit bien que vous n'êtes pas *forcier*.

On ne dira rien des obscénités qui sont prodiguées dans quelques passages de vos prétendues lois, lesquelles vous rendez plus dégoûtantes, s'il est possible, par vos notes. On aurait cru que le précepte *vitanda est rerum et verborum obscœnitas* regardait sur-tout les ouvrages de morale, et de religion. Mais vous faites dire au bon principe des Guèbres des faletés qu'une sage-femme rougirait de répéter parmi ses commères. *Vous ne savez, dites-vous, comment les exprimer honnêtement.* Eh ! pourquoi les exprimer du tout ? C'était pour faire voir combien vous possédiez votre Persan.

Quand aux vocabulaires que vous avez traduits, il faut avouer que le révérend Docteur Darab a dû savoir les langues sacrées de sa nation : mais lorsque nous voyons les mots Arabes corrompus *Dunia* et *Akbré* les deux mondes, *Malke* un roi, *Zemân* le temps, *Ganm* animal de bétail, *Damme* sang, *Sanat* année, *Ab* père, *Am* mère, *Awela* d'abord, *Shemfia* le soleil, *La* non, et quelques autres, donnés pour des mots Zendes et Pehlevis, ainsi que *Baki* le reste, *Tamâm* accompli, &c. pour du Parfi, nous disons hardiment que ce charlatan vous a trompé, et que vous avez tâché de tromper vos lecteurs.

Nous croyons ici entrevoir la vérité. Vous n'avez appris qu'un peu de Persan moderne, et encore moins de l'ancien ; et vous avez traduit ces malheureux livres Zendes, avec le secours de ce Guèbre, qui ne les entendait probablement lui-même que très-imparfaitement. Vous avez fait en cela comme un homme que nous connaissons, qui traduisait les poèmes Arabes les plus difficiles sous les yeux d'un natif d'Alep,

d'Alep, tandis qu'il ne pouvait pas lire le premier chapitre de l'Alcoran sans ce secours ; et vous êtes semblable à un enfant qui flotte sur des vessies enflées, et se persuade qu'il nage à merveille.

Mais souvenez-vous qu'un écolier qui apprend le Latin ne s'avise pas de faire imprimer sa nomenclature ? Souvenez-vous aussi qu'un vocabulaire n'est pas plus une langue, qu'une pierre est un château. Il n'y a rien de si facile que d'étaler une vaine érudition. Nous connaissons des auteurs qui citent l'original des livres Chinois sans pouvoir lire trois caractères de cette langue. M. Fourmont, qui compila une grammaire de la langue Chinoise à l'aide d'un natif de Peking, n'était pas capable, peut-être, de traduire les Chi-king ou trois cents Odes, dont une, qui est très-belle, est citée par Confucius. Il serait à souhaiter que M. de Guignes voulût employer ses loisirs à traduire ces anciens poèmes, qui sont à la Bibliothèque du Roi de France, au lieu de s'occuper à publier les traductions du P. Gaubil, qui d'ailleurs sont très-curieuses, et très-authentiques.

Le reste de votre ouvrage contient quelques traités assommans, un *précis raisonné* où l'on ne trouve ni précision ni raison, avec une table très-étendue des matières, que peu de personnes s'aviseront de consulter.

Nous avons exposé la quintessence de vos trois énormes volumes, desquels un homme de goût, qui aurait possédé la langue, aurait pu faire un *in-douze* assez amusant.

Il résulte, Monsieur, de tout ceci, ou que vous n'avez pas les connaissances que vous vous vantez d'avoir, ou que ces connaissances sont vaines, frivoles, et indignes d'occuper l'esprit d'un homme de quarante ans.

Vous

Vous infinuez que vous avez quelque dessein de retourner à l'Inde pour y traduire les livres sacrés des Brahmanes. Oh ! pour l'amour de vous-même, et pour celui du public, ne songez plus à ce projet. Votre description des *Lingnistes* ne nous donne pas une idée trop avantageuse des philosophes Indiens. D'ailleurs n'est-ce pas assez d'avoir traduit le Zende Vasta ?

Croyez-nous, Monsieur, employez mieux votre temps : cessez de médire, et de calomnier des hommes qui vous ont rendu service : cessez de vous enflammer des extravagances d'une misérable secte d'enthousiastes : mettez dans la bibliothèque de votre roi tout ce qu'il vous plaira ; mais ne présentez au public que l'extrait le plus pur de vos écrits. Souvenez-vous surtout de ce couplet du poète Sadi,

اگر صد سال گبر آتش فروزد
اگر یکدم در او افتد بسوزد

Quand même le Guèbre aurait entretenu son feu pendant cent années, dès qu'il y tombe, il s'y brule.

Vous nous pardonnerez de n'avoir pas lu les mémoires que vous avez inférés dans le *Journal des Savans*, et ailleurs. En vérité nous n'en avons pas eu le courage.

Au reste, Monsieur, ne croyez pas que celui qui vous écrit cette lettre, ait l'intention de vous nuire en la publiant. Il s'est cru obligé de répondre à vos satires, comme on chasse un frelon qu'on voit bourdonnant autour d'un ami, sans pourtant aimer ni haïr le pauvre insecte, qui est hors d'état d'être réellement nuisible à personne.

Il est, cependant, fâché de savoir que vous n'êtes pas plus opulent. Le
fameux

fameux Antiquaire, au sujet duquel vous vous servez de ces mêmes mots, n'a pas tant de raison que vous, Monsieur, de se consoler des rigueurs de la fortune : il n'est riche ni en manuscrits Zendiques, ni en mots barbares, ni en orgueil.

Mais comme vous avez votre vanité, qu'on vous passe sans peine, souffrez, Monsieur, que l'inconnu qui veut bien accorder l'honneur d'une critique à votre livre, ait aussi la sienne, et ne mette dans le frontispice de cette brochure que les lettres initiales de votre nom. Il ignore ce que le public en pensera, et s'il ne condamnera pas cet examen au moins comme inutile. Mais quoi qu'il en soit, il n'a pas jugé à propos de chercher un abri pour la foudre sous vos lauriers.

Pour la même raison, permettez qu'il vous cache son nom ; d'autant plus qu'il n'aspire pas à former une correspondance avec vous ; et que, si vous répondez à sa lettre, il est résolu de ne point faire de réplique. Tout ce que vous en saurez est ceci : il n'est, grâces au ciel et à la nature, ni Guèbre ni Français, quoiqu'il respecte la mémoire du véritable Zoroastre, et qu'il connaisse bien des Français dignes d'estime. Il n'est d'aucun pays, quand il s'agit des sciences et des arts, qui ne font d'aucun pays. Mais quand il est question de la gloire de sa patrie, il est prêt ou à la défendre ou à la venger. Enfin, Monsieur, vous devez lui savoir bon gré de vous avoir écrit dans une langue qui ne lui est pas naturelle, uniquement parce que vous la savez un peu.

END OF THE FOURTH VOLUME.



l'ancien Antiquaire, au sujet duquel vous savez de ces choses
morts, n'a pas tant de raison que vous, Monsieur, de se croire des
égarés de la fortune : il n'est riche ni en manuscrits Xénodoches, ni en
mots capotés, ni en oracles.

Mais comme vous avez votre mérite, qu'on vous passe sans peine,
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